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LETTER FROM THE EDITOR

Dear Readers,

I am proud to present to you the Spring 2022 edition of the Towson University Journal of International Affairs. This issue contains seven exciting and thought-provoking articles that encompass a diverse range of topics, regions, and global issues. The authors in this issue represent numerous academic institutions and countries, including our own Towson University.

In our first article, titled “*The Socio-Political Determinants of Scottish Independence*,” Dr. Alfred J. Baird makes an argument in favor of Scottish independence and explores themes of identity, colonialism, culture, language, institutions, and self-determinism. Dr. Baird utilizes the grounded theory framework to illustrate the colonial and oppressive environment and relationship between indigenous Scottish people and the United Kingdom.

In “*Becoming European: EU Identity Formation in Latvia from 2004 to 2019*,” Colin Bushweller explores the identity and history of Latvia and its people. The author analyzes Latvia’s past under the Soviet Union as well as the Latvian people’s hesitancy to identify with the European Union.

In our third article, “*The Issue of Kurdish Sovereignty: Why a Kurdish State Developed from the Kurdish Regional Government is Impossible*,” Jordan McConville explores the unique challenges preventing the KRI from becoming an independent state. She argues that the future of a Kurdish state is unlikely as long as the intense political situation persists.

In our fourth article, “*A Need for Action: Policies and Propositions on Iran*,” Nolan Drazin provides a compelling analysis of the current relationship and future risks between the United States and Iran. He explores four potential policy avenues in-depth: removing sanctions and withdrawing from relations, diplomacy, targeted strikes to destroy nuclear capabilities, and invasion to force regime change.

In “*East African Participation in the Global Green Regime*,” Andrew Prado-Alipui explores the participation of the East African Community, specifically Rwanda, South Sudan, Tanzania, and Uganda, in UN environmental treaties. He uses historical, political, and social developments in the region to explain the differences in participation between the four states.

In “*Fragmented Forests: Who Wins in Fractured Environmental Regimes?*” Emma Cox, one of our own staff members, explores the lack of international forest law in global politics. She uses literature, state government publications, and UN documents to determine the winners of the International Forest Regime Complex.

In our final article, titled “*To What Extent Can States Mitigate the Impact of the Security Dilemma?*” Amy Richardson utilizes a theoretical approach to analyze the security dilemma. She evaluates the strategies of employing military reassurance, ratifying international agreements,

categorizing offensive weaponry, increasing transparent communication between states, and building economic and cultural relationships.

Finally, I would like to extend my gratitude to our talented staff at the Journal and Dr. Paul McCartney, all of whom used their expertise and diligence to bring this edition together. Without further ado, we are proud to present Volume LV Number 2 of the Towson University Journal of International Affairs.

Sincerely,

Zoe Wollenschlaeger

Editor-in-Chief

May 16, 2022

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The Socio-Political Determinants of Scottish Independence

Dr. Alfred J. Baird*

Abstract: *The quest for Scotland's independence from the British State has involved a lengthy and enduring, if a rather uncertain pursuit, as was Ireland's, the latter still not yet fully complete, though perhaps not far off. Outside of the UK, not much appears known about Scotland's actual constitutional status as a sovereign people and nation roped into a dubious treaty-based parliamentary alliance with England since 1707. Similarly, within Scotland itself there remains limited awareness of Scotland's constitutional or political and cultural reality; constant delivery of a prevailing distorted and biased historical narrative obscures the nation's ongoing political, economic, and cultural domination and exploitation. Here, in-depth research and analysis based on development of a theoretical framework and application of relevant theoretical perspectives reveals a disturbing picture amidst the rapid need for improved understanding and explanation behind the motivation for Scottish independence as being a consequence of colonialism in all its well-practised, albeit often disguised features: notably, the political and economic subjugation and exploitation of a distinct people – the Scots – which is enabled through their ongoing cultural and linguistic oppression. The theoretical framework as developed by the author on the subject of Scotland's independence provides for new insights into Scotland's oppressive colonial reality as the underlying rationale and motivation for independence, which is also about decolonisation. The research demonstrates the fundamental importance of Scottish national culture and the Scots language as key drivers of national identity and national consciousness of a people, the latter forming the essential basis of independence movement solidarity, and highlights mechanisms necessary to finally bring the scourge of Scotland's colonial oppression and exploitation to an end.*

Keywords: *Scotland; Colonialism; Internal-Colonialism; Imperialism; Independence; Decolonisation; Self-Determination; Culture; Language; Oppression; Socio-Political Determinants*

Introduction

In the Scottish referendum on independence held in September 2014, the Scottish people voted 55:45 in favour of Scotland remaining part of the British (UK) state, the latter created though the Treaty of Union in 1706-7 by the Kingdoms of Scotland and England. This followed two earlier referendums for Scots seeking a measure of 'home rule' in 1979, and then in 1997 when a 74 percent majority voted in favour of a Scottish Parliament with devolved (i.e. limited) powers. A devolved Scottish Parliament with limited powers (i.e. a non-sovereign entity) was duly established in Edinburgh in 1999, courtesy of the Scotland Act as ratified by the UK Westminster Parliament.

In recent years Scots have lost their EU citizenship and membership through the UK's withdrawal from the European Union (Brexit), despite a majority of Scots (62 percent) voting to remain in the EU. The continued constitutional disquiet of Scots has resulted in the unprecedented election of three successive Scottish National Party (SNP) majorities in Scotland at UK General Elections since 2015. Prior to the creation of the devolved Scottish Parliament in 1999, the election of a majority of nationalist Members of Parliament (MPs) in Scotland was deemed sufficient to end the UK union alliance between Scotland and England, and this was also SNP policy – and arguably its primary purpose – prior to devolution. However, the elected SNP majorities, who claim to be in favour of independence, have instead continued to take their seats at Westminster, which reflects the party's (if not the peoples') consent to Scotland's membership of the UK union treaty-based alliance.

Meantime, the SNP, which has also been elected to run the devolved Scottish Government, depends on securing independence via holding another '*Section 30*' UK sanctioned referendum, the latter requiring permission of the UK Government and the Westminster Parliament under The Scotland Act which created the devolved Parliament. However, despite the election of several Scottish nationalist majorities in Scotland (at Westminster and the devolved Parliament in Edinburgh) on a mandate of holding a second independence referendum, the UK Government has consistently refused to issue a Section 30 Order. This results in the present political stasis whereby the British State is blocking a democratic electorally mandated referendum on independence and has also taken the Scottish people out of the EU against their will, whilst elected majorities of 'nationalist' MPs continue to refuse to withdraw Scotland from the treaty-based alliance with England.

The context in which Scottish independence is often discussed therefore raises many questions, not least what independence actually means, why it is considered necessary and is being pursued actively by a substantial portion of Scottish society, and also why some Scots

oppose independence. The aim of this research is to provide an in-depth analysis into the question or phenomenon of Scottish independence and, in particular, to identify and appraise what are considered to be the key *Social and Political Determinants of Independence*, factors which serve to prevent and block independence and which will need to be overcome in order for Scotland to become an independent nation again.

Methodology

In order to identify and then analyse key factors relating to the question of Scottish independence, the methodological approach developed and applied has involved ‘*grounding out*’ a theoretical framework from analysis of data collected on the subject.¹ The research is also informed and aided by reference to postcolonial literature, the latter relevant and informative in relation to ‘*a people*’ seeking self-determination and independence. The subsequent framework developed is collectively considered to represent ‘*The Socio-Political Determinants of Scottish Independence*’ (Figure 1).²

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¹ Barney Glaser and Anselm Strauss. *The Discovery of Grounded Theory*. Chicago: Aldine, 1967.

² Alfred Baird. *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*. Kindle Direct Publishing, 2020.

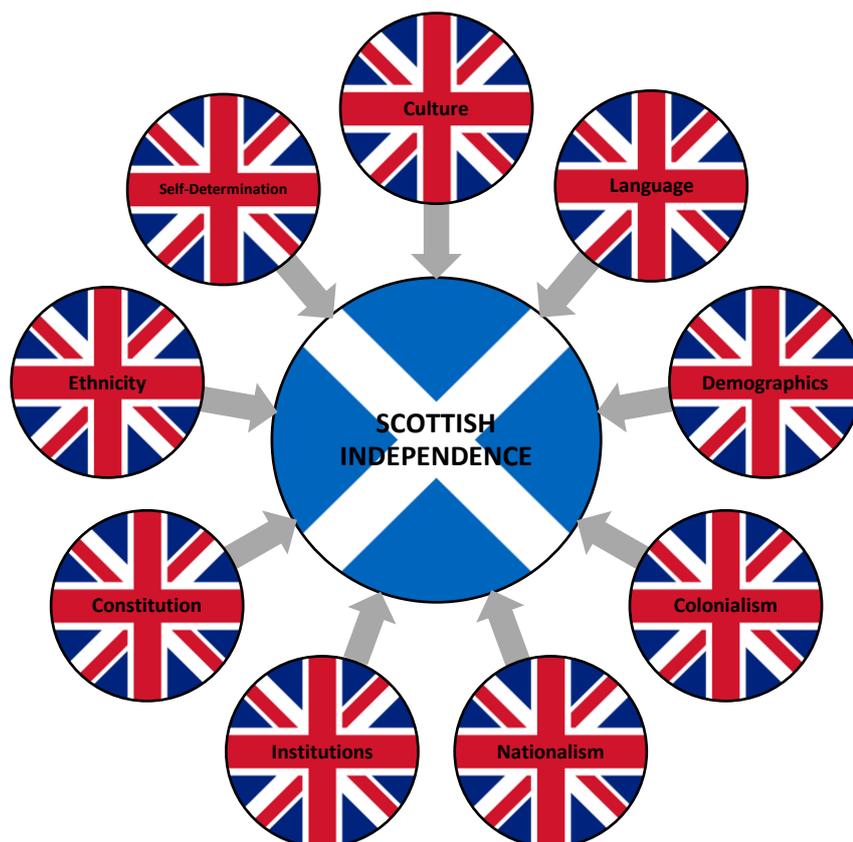


Figure 1: The Socio-Political Determinants of Scottish Independence

Behavioural Determinism assumes our actions are reflex reactions developed in us through our *environmental conditioning*.³ In this process it is necessary to identify key aspects relating to the environmental conditioning involved and associated factors that *determine* and hence enable or act to block independence.

The methodology employed has therefore resulted in development of a structured theoretical framework which may be applied to investigate, analyse and more fully understand the phenomenon and dynamics of Scottish independence.⁴ Here a framework-based analysis helps to: elucidate the reality of Scotland's current socio-political situation and status; highlight

³Vincent A. Anfara and Norma T. Mertz. *Theoretical Frameworks in Qualitative Research*. Thousand Oaks, California: Sage Publications, 2015.

⁴ Paula F. Silver. *Educational Administration: Theoretical Perspectives on Practice and Research*. New York: Harper & Row, 1983.

the key challenges that the Scottish people need to overcome, and; indicate how these challenges may be overcome in order to secure Scotland's independence.

Culture

Culture relates to our customs, beliefs and values which are transmitted and influenced through language.⁵ *Cultural Imperialism* involves promoting the culture and language of one dominant nation on another, which is a common feature in colonialism.⁶ Scots are subject to imposition and hence domination of a British *Anglophone* culture and the marginalisation of Scottish culture and Scots language.

Cultural Imperialism creates and reinforces an alien *Cultural Hegemony*⁷ that is imposed on Scots resulting in an Anglophone *Establishment* that is by nature anti-independence. Here the theory of *Enculturation*⁸ reflects the domination and prejudice of a supposedly *superior* anglophone elite culture that is imposed on Scots, and Scots speakers in particular; in this, the latter are rendered *subordinate* and their Scots language, which is not taught to the people, considered *invalid*.⁹

This has led to development of what is termed the *Scottish Cultural Cringe*, which is a feeling of cultural inadequacy experienced by the subordinated (Scottish) people extending to self-hatred.¹⁰ This condition and its effects are closely related to the psychological condition

⁵ Duncan Spiers. "Education after Wittgenstein: A Causal-Cultural Theory of Reference and Meaning". Unpublished PhD Dissertation, Trinity College Dublin, 2019.

⁶ Robert Phillipson. *Linguistic imperialism and linguicism*. Oxford: Oxford University Press, 1992; John Tomlinson. *Cultural Imperialism*. London: Continuum, (2nd Edition), 2001.

⁷ Joseph A. Buttigieg. (ed.) *Antonio Gramsci, Prison Notebooks*. New York: Columbia University Press, 1992.

⁸ Pierre Bourdieu and Jean-Claude Passeron. *Reproduction in Education, Society and Culture*. London: Sage Publications, 1990.

⁹ David Purves. *A Scots Grammar*. Edinburgh: The Saltire Society, 1997.

¹⁰ Craig Beveridge and Ronald Turnbull. *The Eclipse of Scottish Culture*. Edinburgh: Polygon, 1989.

known as ‘*Internalized Racism*’.¹¹ Here there is an *illusion of culture* imposed on Scots, which is a primary tool elites use to retain power¹², particularly in a colonial environment.¹³

Culture and national identity are closely connected and the motivation for independence of a culturally discriminated/oppressed people is therefore directly related to their national culture and associated emotion. Indeed, in postcolonial theory, the independence of a people is regarded as a fight for their *national culture* against that of an imposed alien and hence oppressive culture and language.¹⁴ A people’s quest for independence is thus primarily dependent on their national culture, their national identity, and hence their *national consciousness*, the latter a function of culture and language.

Language

Linguistic perceptions directly determine our national attachments.¹⁵ Language and culture intersect to form a people’s identity, making us who we are, also influencing how we think and view the world.¹⁶ In forming a crucial part of national culture and identity, a people’s language therefore defines and unites a nation; clearly, language is far more than merely a means of communication. However, the indigenous language of the Scots, also known as ‘Scots’, is not taught to the Scottish people.¹⁷ The British state has effectively deprived Scots of properly learning their own mother language, preventing them from fully absorbing the main ingredient and basis or foundation of their national identity. The result of this is that many

¹¹ Rebecca Rangel. “The Appropriated Racial Oppression Scale Development and Initial Validation.” Unpublished PhD Dissertation. Graduate School of Arts and Sciences, Columbia University, USA, 2014.

¹² Buttigieg, *Antonio Gramsci, Prison Notebooks*

¹³ Albert Memmi. *The Colonizer and the Colonized*. London: Profile Books, 2021.

¹⁴ Frantz Fanon. *The Wretched of the Earth*. Harmondsworth, Middlesex, England: Penguin Books, 1970.

¹⁵ Mike Medeiros. “Redefining the Influence of Language on National Attachment: Exploring Linguistic Threat Perceptions in Quebec.” *Nationalism and Ethnic Politics* 23, No. 4, (2017): 375-390.

¹⁶ John M. Lipski. *Varieties of Spanish in the United States*. Washington DC: Georgetown University Press, 2008.

¹⁷ Billy Kay. *Scots – The Mither Tongue*. Edinburgh: Mainstream Publishing, 2006.

Scots today have a confused or dual national identity – British and Scottish – and hence a *dual persona*.¹⁸

In seeking to justify only the English language being taught to Scots in school, British educationalists, even until recently, maintained that Scots was not a ‘valid’ language¹⁹; this is ethnic discrimination and an abuse of a people’s human rights – i.e. the right to one’s own language, or ‘mother tongue’.²⁰ The Council of Europe in its minority language reports has repeatedly criticised the UK and Scottish Governments for failing to teach and give authority to the Scots language.²¹ Despite this, the indigenous language of Scots remains ignored by British State authorities, including its devolved Scottish administration responsible for education of the people.

The Scots are a minority ethnic group within the UK context and a people who speak a minority language (Scots), which they are prevented from learning by the British State education system. It is important to recognise that the purpose of *Linguistic Imperialism* is to marginalize and destroy indigenous language; the aim of *Linguistic Imperialism* is linguistic genocide or ‘*linguicide*’, which is to bring about the death of a language, and with that the removal or significant diminishing of a minority people’s sense of national identity.²²

Removal of a language is therefore intentional, its ultimate demise inevitable when it is not taught or given authority, as is the case with the Scots language. The Scottish census in 2011 indicated that there remained only around 1.6 million people in Scotland who speak Scots out of a total population of 5.6 million people, i.e. less than 30 percent; this implies that some

¹⁸ Tom Devine. “Carving out a Scottish Identity.” 2013. <https://blogs.sps.ed.ac.uk/referendum/carving-out-a-scottish-identity>.

¹⁹ Basil B. Bernstein. *Class, Codes and Control: Volume 1 – Theoretical Studies Towards A Sociology Of Language*. London: Routledge and Kegan, 1971.

²⁰ Kay, *Scots – The Mither Tongue*, 20.

²¹ Council of Europe. “European Charter for Regional and Minority Languages: Fifth Report of the Committee of Experts in respect of the United Kingdom.” 2020. Secretary General's reports on the application of the European Charter for Regional or Minority Languages (coe.int)/.

²² Phillipson, *Linguistic imperialism and linguicism*.

70 percent of the Scottish population are today primarily Anglophone. Meantime, separate state provision has been made for the minority Gaelic language speaking community in Scotland, the nation's other indigenous language, albeit spoken by a much smaller group, while the larger Scots-speaking community continue to be ignored.

Loss of language therefore undermines a people's sense of identity and sense of belonging, which is an established aim and feature of colonialism.²³ Because it is our native language and culture which forms the basis of our national consciousness,²⁴ without these aspects a people's motivation for independence or nationhood and hence sovereignty is sorely diminished. Language policy in Scotland within a UK Anglophone dominated social hierarchy therefore aims to deprive Scots of the Scots language, to kill it off, and with that to diminish and weaken desire for Scottish nationhood and independence.

The cultural objective of the British State towards the *Celtic Periphery* nations has therefore been to make the Scots (and the Welsh and Irish) ever more Anglophone and hence Anglicised, this forming part of a long-established imposed colonial language educational policy.²⁵ In this regard the native bourgeoisie, including the teaching profession, have generally been the most receptive group toward such a policy, which is necessary for them to maintain their socio-economic status and privileges. Postcolonial theory tells us that native elites and bourgeoisie are eager to cast off their supposedly *inferior* indigenous native language and culture and to embrace (i.e. *mimic*) that of the colonizer's, reflecting the fact that colonialism is always a *co-operative venture*.²⁶

Motivation for cultural assimilation is also heavily influenced through the promotion of negative stereotypes of native (i.e. Scots) speakers supplanted in peoples' minds via colonial

²³ Iain A. MacKinnon. "Education and the colonisation of the Gaidhlig mind." *Bella Caledonia*. December 3, 2019. <https://bellacaledonia.org.uk/2019/12/03/education-and-the-colonisation-of-the-gaidhlig-mind>.

²⁴ Fanon, *The Wretched of the Earth*, 198.

²⁵ Michael Hechter. *Internal Colonialism: The Celtic Fringe in British National Development*. Abingdon, Oxon: Routledge, 2017.

²⁶ Fanon, *The Wretched of the Earth*, 48.

media, broadcasting and educational policy etc., always highlighting the oppressors supposedly *superior* language and culture and placing the native in an inferior light. Further, this cultural and linguistic transition or gymnastics explains why most peoples in self-determination conflict are linguistically and hence culturally divided, in part as a consequence of *colonial bilingualism*.²⁷

Culture and language are clearly key factors in formation of national identity, which may become confusing for any people subjected to *Linguistic Imperialism*.²⁸ The divide in the Yes/No independence debate will therefore be, to some extent, at root linguistic; that is, the divide is *broadly* between Scots speakers who identify as Scottish and who mostly tend to vote ‘Yes’, and the ever-increasing Anglophone population (see section on Demographics) in Scotland (which includes Scots) who identify as primarily British and who tend to vote ‘No’ to Scottish independence.²⁹

Hence the desire for and against Scottish independence is heavily influenced by culture and language which serve to determine national (and *ethnic*) identity. Ethnicity is considered important in that the desire for independence reflects the *ethnic solidarity* of an oppressed and marginalised group, i.e. Scots speakers, amidst an imposed *Cultural Division of Labour* favouring the dominant group, which is Anglophone.³⁰ In this context it may be hypothesized that ethnic solidarity of the Scots speaking group, the latter mostly pro-independence, is a reaction to being subjected to political, economic and cultural exploitation, with inequalities in

²⁷ Memmi, *The Colonizer and the Colonized*, 151.

²⁸ Patricia A. Shaw. “Language and Identity, Language and the Land.” *BC Studies – The British Columbian Quarterly*, No. 131 (Autumn 2001): 39-55.

²⁹ Ross Bond. “National identities and the 2014 independence referendum in Scotland.” *Sociological Research Online* 20, No. 4, (2015): 92-104. <https://doi.org/10.5153/sro.379>

³⁰ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 356.

Scottish society reflecting the outcome of prevailing institutionalised ethnic discrimination and related socio-linguistic prejudice.³¹

Demographics

Between three and four million Scots ‘left’ Scotland since the UK Union in 1707, which is equivalent to more than half the present population. This was proportionately the largest loss of population in Western Europe for a country of Scotland’s size.³² Successive British Government’s implemented policies and provided incentives (e.g. Empire Settlement Act) to assist with the removal of people from Scotland. Meanwhile, at the same time as millions of Scots were being given incentives to leave their country of birth, over much of the same period the largest ethnic migrant group into Scotland comprised people from the rest of the UK, mainly England.

Outbound population flows consisted mostly of working-class Scots lacking economic opportunity in their own land, whilst inbound flows to Scotland have been historically oriented towards a professional and managerial class sourced mainly from England. This resulted in a *Cultural Division of Labour* in Scotland within what is described as the ‘*UK Internal Colonialism Model*’.³³

With *Internal Colonialism*, Scotland’s industrialisation remained narrowly specialised and hence more subject to shocks, and was geared to serving the needs of the core (Imperial) nation (i.e. England). Historically, economic growth in Scotland has been below that of the core nation, with unemployment higher and wages lower. A quite different industrial

³¹ David Ross. *Scotland: History of a Nation*. New Lanark: Lomond Books, 2008; Baird, *Down-Hauden: The Socio-Political Determinants of Scottish Independence*, 261.

³² Michael Anderson. “Migrants in Scotland’s population histories since 1850.” *National Records of Scotland (2015) Scotland’s Population – The Registrar General’s Annual Review of Demographic Trends, 2015*, No. 161 (2015). United Kingdom Statistics Authority. Chapter 11: 79-106.

³³ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 346.

orientation between these nations resulted in higher and sustained levels of poverty and deprivation in Scotland, as is also evident in other parts of the UK's Celtic Periphery.

Due to the British State's imposed limitations and constraints placed on Scotland's economic development, and controlling for the size of population, Scotland's (and Ireland's) net emigration rate was always several times greater than that of England.³⁴ This means that a disproportionately large share of the Scottish population has effectively been displaced (directly or indirectly) since the UK union, as a consequence of the specific economic, industrial and migration policies pursued by successive UK Governments.

Scotland today has the lowest birth-rate of all nations in Britain. This may in part be due to a continued lack of affordable housing which is exacerbated by significant levels of immigration, low wage levels and limited access to better paid jobs for indigenous Scots speakers, as well as questionable educational policies on matters such as gender identity and the longstanding state policy blocking teaching of the Scots language. Economic underdevelopment of a people and nation is known to parallel linguistic underdevelopment in a colonial environment.³⁵ In Scotland, the elite is mostly Anglophone reflecting the dominant cultural hegemony and *Cultural Division of Labour* imposed through the UK Union arrangement, which is further enabled by the fact the Scots language is not taught and hence is marginalised, considered invalid and given no official status, as are those who speak it.

Ongoing demographic change has significant consequences for independence. This is mainly because people whose heritage is from other nations in the UK, primarily people from England which contains the bulk of the UK's population, who come to live and work in Scotland represent the *ethnic group* that is least likely to vote for Scottish independence.³⁶ This

³⁴ Michael Anderson. *Scotland's Populations from the 1850s to Today*. Oxford: Oxford University Press, 2018.

³⁵ Memmi, *The Colonizer and the Colonized*, 150.

³⁶ Bond, "National identities and the 2014 independence referendum in Scotland", 99.

factor alone highlights the significance of culture, language, and hence national identity on the question of independence.

The *colonial nature* of Scotland's prevailing demographics coupled with *national* voting rights given to an ever-growing population of people now living in Scotland who do not primarily identify as Scots serves to hinder the prospect of Scottish independence. Uncontrolled demographic change in Scotland – a country currently lacking sovereign control over its own borders and therefore over its population whilst remaining within the UK Union – plus the application of a local government/municipal voting franchise based on residence, is believed to have prevented independence in 2014³⁷ and serves to diminish the prospect of a 'Yes' vote in any future referendum.³⁸

Colonialism

Scotland's exit from the European Union, enforced by the UK Government and Parliament against the wishes of the majority of the Scottish people, and the blocking of an electorally mandated second independence referendum, demonstrates Scotland's rather colonial status in the union.³⁹ Colonialism is defined as a people who are subject to external political control, economic exploitation, and settler occupation and Scotland's present reality reflects all three of these features. Postcolonial theory tells us that colonialism is primarily about political and economic exploitation of a people, and that colonialism is also a *cooperative venture* between the oppressor/imperial power and the native elites/bourgeoisie.⁴⁰ This helps explain why some Scots, particularly those among the socio-economic elites, oppose independence.

³⁷ Lindsay McIntosh. "Majority of Scottish born voters said 'yes'." The Times. March 27, 2015. <https://www.thetimes.co.uk/article/majority-of-scottish-born-voters-said-yes-z7v2mmhc8nt/>.

³⁸ Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 346.

³⁹ Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 145.

⁴⁰ Fanon, *The Wretched of the Earth*, 48.

Scotland is subject to *Internal Colonialism* which involves a *Cultural Division of Labour* favouring the oppressor group (and the native elite/bourgeoisie who adopt the culture, language and values of the colonial power), economic exploitation, and continued economic and social underdevelopment of the people and territory.⁴¹ The rise of an independence movement reflects the ethnic solidarity of indigenous (Scots) language speakers and is viewed as a consequence of *Internal Colonialism*, its oppressions and exploitation.

Exploitation relates to the colonizer's extraction and interception of the colony's extensive resources (e.g. oil and gas, renewable energy etc.) at low prices, and sales back to the 'natives' at higher prices⁴², with regulation of the territories essential utilities and resources favouring external economic interests. Necessary land reforms, including dealing with a feudal legacy, are prevented by the ruling cultural hegemony and cannot be expected until after independence/decolonisation.⁴³ With an emphasis on serving primarily the needs of the core (imperial) nation, Scotland is also used to house the UK's nuclear weapons and submarines, a warfare system roundly rejected by most Scots, at a naval facility located downstream from Glasgow on the River Clyde.

Internal Colonialism results in the territory and most of the native (i.e. Scots-speaking) population remaining under-developed. Barely a quarter of the Scottish population are educated to degree level, and almost half of Scotland's people today live either in or close to poverty, with high levels of drug and alcohol addiction, illness, and lower life expectancy.⁴⁴ These are all features of cultural dislocation and marginalisation (i.e. inequality) of a people due to colonialism, unable to access their own resources or benefit from socio-economic

⁴¹ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 40.

⁴² Duncan Hallas. (1969) "Britain's Oldest Colony: A history of famine, brutality and heroism." *Socialist Worker*, No. 137, 11 September (1969). Duncan Hallas: Britain's oldest colony (1969) (marxists.org).

⁴³ Andy Wightman. *The Poor Had No Lawyers: Who owns Scotland (and how they got it)*. Edinburgh: Birlinn, 2013.

⁴⁴ Joseph Rowntree Foundation. "Poverty in Scotland 2021." Poverty in Scotland 2021 | JRF.

opportunities in their own land as they would be if they were a sovereign people in control of their own affairs.

In a colonial environment deprivation is associated not with membership of an oppressed and exploited social class, but rather with membership of an oppressed and exploited ethnic group – i.e. the Scots.⁴⁵ A common feature relates to Scotland's top jobs – which are advertised primarily in the Metropolitan capital, London – hence the highest wages and social status which comes from these things are reserved for members of the dominant (Anglophone) culture⁴⁶ or (and the qualification here is important) for members of the subordinate group who choose to embrace the dominant culture and language. The latter aspect is referred to in the postcolonial literature as the native '*mimicking the colonizer*'.⁴⁷ Such outcomes indicate that the ongoing oppression of Scots is ethnically driven, hence liberation (from colonialism) must by necessity reflect solidarity of the oppressed ethnic group. Given the global call for colonial restitution there would seem a reasonable case for the Scots, once independent, to likewise pursue the matter.

In Scotland as elsewhere, it is already established that national identities are highly significant when it comes to support for constitutional change.⁴⁸ Thus, the Scottish independence movement in the *Internal Colonialism* model reflects primarily the ethnic solidarity of Scots speakers.⁴⁹ This in turn implies that voters opposed to independence will mostly tend to be Anglophone and hold primarily to a British identity; this includes those elements of the Scots, in particular the elite/bourgeoisie native group who have opted to

⁴⁵ James Hunter. (1977) "Reviews. Internal Colonialism: the Celtic fringe in British national development, 1536-1966." *The Scottish Historical Review* 56, No. 161, Part 1 (April 1977): 103-105.

⁴⁶ Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 219.

⁴⁷ Memmi, *The Colonizer and the Colonized*, 146.

⁴⁸ Ross Bond and Michael Rosie. "National Identities and Attitudes to Constitutional Change in Post-Devolution UK: A Four Territories Comparison." *Regional & Federal Studies* 20, No. 1, (2010): 83-105.

⁴⁹ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 345.

become (more) Anglophone by casting off their own culture, language and identity (or at least part of it) in the pursuit of socio-economic advantage within what is a colonially structured environment.

Colonial domination and with that the elevation of what is an alien culture and language (and hence ethnicity) above the culture and language (and ethnicity) of indigenous peoples, involves racism and socio-linguistic prejudice and is known to develop into fascism.⁵⁰ Here it may also be noted that for some time Scotland has recorded proportionately per head of population the highest prison population of all nations in north-western Europe, as might be expected where a dominant imposed cultural hegemony and its 'values'⁵¹ differ markedly from indigenous native group culture. The UN rightly regards colonialism as a '*scourge*' (a form of punishment) on a people, which should be ended through self-determination and decolonisation.

Further, postcolonial theory considers colonialism as a '*disease of the mind*'.⁵² This results in a psychological condition which adversely affects both the colonised group through development of a subordinate '*colonial mentality*' and '*Appropriated Racial Oppression*', and also in respect of the coloniser group (which co-opts and includes native elites and bourgeoisie) and the latter's propensity for racism, prejudice, exploitation and fascism.⁵³

The UK's devolved (i.e. colonial) *regime* in Scotland is currently administered by a dominant *Scottish National Party* (SNP) which has made its own '*accommodation with colonialism*'; the resultant political *stasis* represents a common feature in the decolonisation process leading to a delay in independence which may be combined with state oppression and

⁵⁰ Aime Cesaire. *Discourse on Colonialism*. New York: Monthly Review Press, 2000.

⁵¹ Cesaire, *Discourse on Colonialism*, 34.

⁵² Memmi, *The Colonizer and the Colonized*, 168.

⁵³ Edward W. Said. *Culture & Imperialism*. London: Vintage, 1994 ; Cesaire, *Discourse on Colonialism*, 20.

persecution of independence campaigners.⁵⁴ This leads to further conflict, and the creation of new National Parties seeking independence with somewhat greater urgency. Here independence may also be defined as *decolonisation*⁵⁵, and necessarily involves the liberation of a people from colonial oppression in all its forms.

Nationalism

As previously noted, the motivation for national independence of a people primarily depends on their *national consciousness*, the foundation of which is culture and language; in this regard postcolonial theory tells us that *national consciousness* is not nationalism.⁵⁶ As in any colonial environment, many Scots retain a confusing *dual sense of identity*⁵⁷, a consequence of the long-term effects of being subjected to *Cultural and Linguistic Imperialism* and *Colonialism*. In this environment a colonised people are forced to live within and between *two psychological and cultural realms* in which two tongues are in conflict and the native culture and language subordinated into a form of *clandestine culture*.⁵⁸ In the context of a British Anglophone cultural hegemony being imposed on colonised nations and peoples, the outcome has also been described as giving the people involved a *culturally intertwined political identity*.⁵⁹

Language deprivation, with the UK State and its devolved administration in Scotland refusing to teach the Scots language to Scots, serves to further inhibit perceptions of Scottish

⁵⁴Craig Murray. "13 Events, No Witnesses: The Prosecution Concludes the Case Against Alex Salmond." March 16, 2020. 13 Events, No Witnesses: The Prosecution Concludes the Case Against Alex Salmond - Craig Murray/; Fanon, *The Wretched of the Earth*, 48.

⁵⁵ United Nations. "Special Committee on Decolonization." Special Committee on Decolonization | The United Nations and Decolonization/.

⁵⁶ Fanon, *The Wretched of the Earth*, 199.

⁵⁷ Devine, *Carving out a Scottish Identity*, 5.

⁵⁸ Memmi, *The Colonizer and the Colonized*, 107.

⁵⁹ Mark Pettigrew. "Red, white and blue unionism: An ideological nationalism of its own." 2016. <http://www.judecollins.com/2016/12/red-white-blue-unionism-ideologicalnationalism-mark-pettigrew/>.

national identity and national consciousness.⁶⁰ The main outcome and assumed purpose of this *linguistic oppression* and *cultural colonialism*,⁶¹ which becomes institutionalised and embedded in a colonial environment, is that it serves to constrain Scottish national consciousness and hence limits feelings of (Scottish) national identity, whilst meantime promoting a more British/Anglophone identity which serves to inhibit the motivation for independence.⁶²

In the case of the UK/England exerting political and economic control over Scotland and other nations, this involves what is known as *Trans-national nationalism*.⁶³ Here we have imposed on Scots a British ‘*One Nation*’ political ideology which, in order to be effective, includes and requires *Cultural* and *Linguistic Imperialism* policies and with this comes an Anglophone *Cultural Hegemony* and meritocratic elite. It is primarily these key features of imperialism and colonialism, i.e. an imposed dominant culture and language, which enables external political control and power to be exerted over a people and territory⁶⁴ in order to facilitate their economic exploitation, as well as their cultural subjugation.⁶⁵

Scottish independence is viewed from a British nationalism standpoint as a perceived threat to a ‘British’ identity, however artificial and theoretical such a notion may be in reality for many Scots.⁶⁶ It can therefore be argued that Scottish independence is less about nationalism per se; rather, it is primarily about *self-determination* of a people driven largely by

⁶⁰ Medeiros, *Redefining the Influence of Language on National Attachment: Exploring Linguistic Threat Perceptions in Quebec*, 375.

⁶¹ Kay, *Scots – The Mither Tongue*, 211.

⁶² Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 316.

⁶³ Adam Hochman. “Of Vikings and Nazis: Norwegian contributions to the rise and the fall of the idea of a superior Aryan race.” *Studies in History and Philosophy of Biological and Biomedical Sciences* 54, (2015): 84–88.

⁶⁴ Robert Phillipson and Tove Skutnabb-Kangas. “Linguistic Genocide.” In: Valodas Politika Baltijas Valstis/Language Policy in the Baltic States. Riga, Krajumu sagatavojs. Latvijas Republikas Valsts valodas centrs, 1994: 140-150.

⁶⁵ Memmi, *The Colonizer and the Colonized*, 193.

⁶⁶ Jamie Maxwell. “It is unionists, not nationalists, who are obsessed with identity.” *The New Statesman*, July 31, 2014. <https://www.newstatesman.com/politics/2014/07/it-unionists-not-nationalists-who-are-obsessed-identit/>.

their national consciousness (the basis of which is culture and language),⁶⁷ which is about their liberation and, for oppressed and colonised peoples, independence is also about *decolonisation*.⁶⁸

Conversely, the *UK Internal Colonialism model* is entirely an Imperial and hence artificial cultural and socio-economic construct.⁶⁹ In terms of political ideology, the UK represents ‘*Trans-national nationalism*’ which involves colonialism and imperialism methods and practices being imposed upon and throughout the *Celtic Periphery* nations.⁷⁰ This is an aggressive and dominating form of nationalism that has involved, inter alia: occupation and displacement of native populations; assuming political control over neighbouring countries, and; banishment of cultures, domination and marginalisation of indigenous peoples through imposing an alien culture and (Anglophone) linguistic-based hegemony. Its key purpose is primarily facilitating and enabling the economic exploitation of an oppressed and marginalised people and their territory.

The inevitable outcome of unfettered *Trans-national nationalism*, which is effectively colonialism, is the ethnic oppression, marginalisation and exploitation of a people and their land. In large part this is what then gives rise to the motivation of ‘a people’ for independence, which is based on the solidarity of the oppressed ethnic group.⁷¹ This relates in particular to the remaining residual and thus far not entirely culturally ‘*consumed*’ Scots-speaking Scots, and with intellectuals able to define the wretchedness of the people, as constituting the essential foundation of the pro-independence movement.

Institutions

⁶⁷ Fanon, *The Wretched of the Earth*, 198.

⁶⁸ United Nations, *Special Committee on Decolonization*.

⁶⁹ Said, *Culture & Imperialism*, 284.

⁷⁰ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 28.

⁷¹ Memmi, *The Colonizer and the Colonized*, 179.

In the colonial environment a nation's social institutions will obviously be expected to be colonial in *nature*. This implies that, rather than necessarily serving the people, the state's social institutions may oppress them.⁷² This oppression may be via laws introduced and policies (e.g. on recruitment, education, language etc.) involving socio-linguistic prejudice and ethnic discrimination in which the indigenous native population tend to be marginalised, and in some instances even earmarked for punishment; lest we forget that colonialism is defined also as '*geographic violence*'⁷³ and lies at the root of fascism.⁷⁴

Given that Scotland is controlled by an *Anglophone Unionist Establishment*, its meritocratic elite therefore reflects and prioritises what is an *Ethnic and Cultural Division of Labour*.⁷⁵ This dominant power arrangement depends on and perpetuates *sociolinguistic prejudice* throughout society,⁷⁶ reflecting an *Anglophone elite Cultural Hegemony and Establishment*.⁷⁷ Here we see the marginalisation of what is known in postcolonial theory as a '*subaltern people*', i.e. the native language-speaking group who are deprived of learning and valuing their own language as well as much of their history, and mostly excluded from socio-economic institutions in order to deny their political voices and access to resources.⁷⁸ The consequence of this is reflected in social exclusion and marginalisation primarily of ethnic Scots speakers⁷⁹ and it is in this way that *ethnic* discrimination becomes *institutionalised* within society.⁸⁰

⁷² Nelson Mandela. *Long Walk to Freedom. Vol. II. 1962-1994*. London: Little, Brown & Company, 1994.

⁷³ Said, *Culture & Imperialism*, 288.

⁷⁴ Cesaire, *Discourse on Colonialism*, 20, 39.

⁷⁵ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 356.

⁷⁶ Alan Barcan. *Sociological Theory and Educational Reality: Education and Society in Australia since 1949*. Sydney: UNSW Press, 1993.

⁷⁷ Adam Jack Aitken. *The good old Scots tongue: Does Scots have an identity?* In E. Haugen, J. D. McClure and D. Thomson, eds., *Minority Languages Today*. Edinburgh: Edinburgh University Press, 1981, 72–90.

⁷⁸ Elliot D. Green. "Decentralization and political opposition in contemporary Africa: evidence from Sudan and Ethiopia." *Democratization* 18 (2011): 1087–1105.

⁷⁹ Kay, *Scots – The Mither Tongue*, 203.

⁸⁰ Rebecca C. Rangel and Robert T. Carter. "The Appropriated Racial Oppression Scale: Development and Preliminary Validation." *Cultural Diversity and Ethnic Minority Psychology* 21, No. 4 (2015): 497-506.

Social segregation and protection of a *Cultural Hegemony* (and its *values* and *symbols*) is ensured via an educational divide maintained primarily through private/independent (i.e. *colonial*) schools and elite universities aimed mainly at serving the more privileged (Anglophone) group. Although only around 3 percent of people in Scotland attend private ‘elite’ fee-paying schools, the mostly privileged pupils attending the latter account for a disproportionate 50 percent of all senior positions in Scotland’s social institutions.⁸¹

Top positions in Scotland’s social institutions and commerce are primarily advertised in the metropolitan capital press and hence in the dominant *core* nation (England) and thus are mainly targeted at (Anglophone) elites.⁸² There is here the added linguistic requirement that all prospective candidates seeking positions in Scotland must speak English, but that absolutely no knowledge or even basic understanding of the indigenous Scots language is necessary for professional and managerial appointments in Scotland.

In the higher education sector, many Scottish applicants from state schools find it difficult to gain a student place in Scotland’s elite universities;⁸³ these institutions remain heavily focused on attracting higher fee students from outside Scotland, as well as from private school backgrounds. With only around 1 in 10 academic staff employed in Scotland’s elite universities comprising Scots, and Scots also forming a small minority of PhD researchers, the intellectual opportunities afforded to native Scots in their own land in what is a colonial environment remain severely constrained.⁸⁴

⁸¹ The Social Mobility and Child Poverty Commission. “Elitist Scotland?” 2015. <https://www.gov.uk/government/publications/elitist-scotland/>.

⁸² Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 331.

⁸³ Audit Scotland. “Audit of higher education in Scottish Universities.” 2016. Audit of higher education in Scottish universities | Audit Scotland (audit-scotland.gov.uk); Academy of Medical Royal Colleges and Faculties in Scotland. “The Scottish Medical Workforce – an outline of challenges and offer of solutions.” 2019. [AoMRCFS-Scottish-Medical-Workforce-2019.pdf](https://www.rcpsg.ac.uk/AoMRCFS-Scottish-Medical-Workforce-2019.pdf) (rcpsg.ac.uk); Helen McArdle.. (2019) “Doctor’s leaders: Scotland’s medical schools must have much higher intakes – and a greater share of Scottish students.” The Herald, January 14, 2019. <https://www.heraldscotland.com/news/17981746.doctors-leaders-scotlands-medical-schools-must-much-higher-intakes---greater-share-scottish-students/>.

⁸⁴ Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 218.

A range of negative outcomes are connected with this institutionalised ethnic discrimination and resulting *Cultural Dislocation*. This includes continued economic underdevelopment of the *peripheral* nation and many of its people, societal inequalities, a widening wealth gap, lack of educational attainment, poverty and deprivation.⁸⁵ Adverse health impacts for the oppressed group include the development of a *schizoid personality*,⁸⁶ depression and anxiety, in addition to various other conditions commonly associated with oppression of indigenous or aborigine peoples, including drug and alcohol addiction.⁸⁷

Institutionalised oppression also tends to arrive via the *justice system*, which remains a rather theoretical concept within a colonial environment insofar as the indigenous native is concerned.⁸⁸ This is reflected in Scotland having the largest prison population rate per capita of all countries in Western Europe,⁸⁹ in the ongoing state persecution of leading independence campaigners,⁹⁰ and in the apparent immunity from prosecution afforded to those active on the anti-independence ‘unionist’ side, including a dominant pro-British media.⁹¹ Scotland’s justice system also has the highest proportion of probationers under supervision for offences in all of Europe. Significant levels of state punishment inflicted mostly on an ethnic and institutionally ‘subordinate’ (Scots-speaking) group by what is essentially a different ethnic (i.e. Anglophone) elite group and cultural hegemony reflects this colonial reality, which corresponds with what Cesaire referred to as *the law of progressive dehumanization*.⁹²

⁸⁵ Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, 344.

⁸⁶ Purves, *A Scots Grammar*, 2.

⁸⁷ Jerome Taylor. “Relationship between internalized racism and marital satisfaction.” *Journal of Black Psychology* 16, No. 2 (1990): 45-53; Harry Burns. “From theory to policy – the implications of recent research findings on health inequality.” Glasgow Centre for Population Health. GCPH Seminar Series 5, 2009. https://www.gcph.co.uk/assets/0000/0484/Harry_Burns_Summary.pdf/.

⁸⁸ Fanon, *The Wretched of the Earth*, 99; Memmi, *The Colonizer and the Colonized*, 106.

⁸⁹ Prison Reform Trust. “Prison: The Facts.” Bromley Briefings, Summer 2019 Prison the facts, Summer 2019.pdf (prisonreformtrust.org.uk/).

⁹⁰ Iain Lawson. “In Solidarity with Craig Murray.” October 15, 2021. IN SOLIDARITY WITH CRAIG MURRAY – YOURS FOR SCOTLAND (wordpress.com/).

⁹¹ Craig Murray. “The Alex Salmond Fit-Up.” February 20, 2021. <https://www.craigmurray.org.uk/archives/2019/08/the-alex-salmond-fit-up/>.

⁹² Cesaire, *Discourse on Colonialism*, 68.

Meantime the Scottish economy remains largely under-developed whilst external ‘*plundering*’ of the territories’ extensive resources and assets continues, facilitated by colonial institutions, laws and governance, the most obvious examples being essential utilities, enormous reserves of oil and gas, renewable energy, aggregates, and a legacy of feudal and highly concentrated land ownership arrangements.

Constitution

Brexit related court case outcomes served to demonstrate the lawful simplicity of a signatory state party to a treaty withdrawing from a treaty-based union. So, what is stopping Scotland from doing likewise and withdrawing from its treaty-based union? The key questions in this regard seem to be: are the Scots a sovereign people, and; who represents this sovereignty and how may it be asserted?

The 1706-7 *Treaty of Union* created the present United Kingdom alliance between the Kingdoms of Scotland and England, therefore Scotland is and remains a signatory party to that Treaty, as does England.⁹³ Unilateral withdrawal from a treaty under international law is considered to be a matter for each signatory party, according to the European Court of Justice.⁹⁴ Moreover, treaties are generally upheld only if they remain in the national interest of a sovereign people, which implies that when a treaty is no longer in the national interest, it is ended.⁹⁵

A treaty can never be cast in stone for eternity for the simple reason that its relevance and import is inevitably bound by time and circumstance. Any treaty will only ever be upheld insofar as it serves *the national interest* of the signatory party. There is here the age-old argument of *alliance determinism* which assumes both an effective international rule of law

⁹³ Peter W.J. Riley. *The Union of England and Scotland*. Manchester: Manchester University Press, 1978.

⁹⁴ Alastair Grant. (2018) “ECJ ruling to revoke Article 50 rubber stamped by the highest court in Scotland.” 2018. <https://www.heraldsotland.com/news/17311344.ecj-ruling-to-revoke-article-50-rubber-stamped-by-the-highest-court-in-scotland/?action=success#comments-feedback-anchor/>.

⁹⁵ Richard F. Hamilton and Holger H. Herwig. *Decisions for War, 1914-1917*. Cambridge: Cambridge University Press, 2004.

and honourable alliance partners; however, ‘*experts in international affairs would count those as among the most naïve hypotheses imaginable*’.⁹⁶ The British State has violated many of its treaties, including the Treaty of Union, and the recent treaty with the EU being a further example.

Whilst Scotland may not be an *independent state*,⁹⁷ its people retain sovereignty over their right to be an independent state, or whether to continue to share sovereignty within the UK union alliance, as at present. The absolute sovereignty of the Scottish people has recently been acknowledged by both UK and Scottish parliaments, as was the Claim of Right, that Scottish sovereignty rests with Scotland’s people.⁹⁸ The Treaty of Union itself is *conditional* on Scotland retaining its own distinctive constitution, as contained and described in the Claim of Right Act of 1689.⁹⁹ Sovereignty implies that a people are already *de facto* independent as and when they wish to be; in this sense the national sovereignty of a people is regarded as *indefeasible*.¹⁰⁰ Under the UN Charter there is an obligation on all States to respect the sovereign rights of all peoples and their territorial integrity (United Nations 1945: art. 7).¹⁰¹

It is Scotland’s national elected representatives who hold Scotland’s *political* sovereignty at any given time and they therefore hold the right and the obligation to exercise political sovereignty on behalf of the people, and hence to make Scotland *de jure independent* as per the instruction of the people. SNP policy prior to Devolution was to withdraw Scotland

⁹⁶ Hamilton and Herwig, *Decisions for War, 1914-1917*, 231.

⁹⁷ Colin Hay and David Marsh (Eds.). *Demystifying Globalization*. Basingstoke, Hampshire: Palgrave, 2000.

⁹⁸ House of Commons Library. “Claim of Right for Scotland.” House of Commons, London, 2018. <https://researchbriefings.parliament.uk/ResearchBriefings/Summary/CDP-2018-0171/>; Scottish Government. “Scotland’s right to choose: putting Scotland’s future in Scotland’s hands.” Scottish Government, 2019. <https://www.gov.scot/publications/scotlands-rightchoose-putting-scotlands-future-scotlands-hand/>.

⁹⁹ Sara Salyers. “The Treaty Bites Back: A ‘Forgotten’ Constitution, Scotland’s Claim of Right.” Scottish Sovereignty Research Group, 2022. <https://www.scottishsovereigntyresearchgroup.org>

¹⁰⁰ Said, *Culture & Imperialism*, 302.

¹⁰¹ United Nations. “Charter of the United Nations and Statute of the International Court of Justice.” 1945. <https://www.un.org/en/charter-united-nations/>.

from the UK union alliance as and whenever a majority of nationalist MPs were elected. Since 2015 such a majority of Scottish nationalist MPs have been elected to Westminster on three successive occasions, yet each time Scotland's MPs have refused to assert the right and democratic decision of the sovereign Scottish people to withdraw Scotland from the UK union alliance.

Post the signing of the Treaty of Union in 1706-7, and for over 300 years afterwards, the majority of Scotland's national elected representatives were pro-union. For over 300 years the political and constitutional outcome for Scotland and its people was therefore rather clear and definitive, being pro-union. It is only within the last decade or so that this reality has changed, and it has changed fundamentally. Today there are consistent majorities of Scotland's national representatives elected who are pro-independence, or who claim to be pro-independence. It is therefore Scotland's pro-independence representatives who now wield Scotland's sovereign power politically, not pro-union representatives; the latter, now an elected minority, no longer wield sovereign political power over Scotland.

However, Scotland's elected majorities of 'nationalist' MPs now advocate that independence may only be secured after a further referendum is held via a 'Section 30' Order, which can only be sanctioned by the UK Westminster Parliament. However, a Section 30 Order has repeatedly been refused and hence is blocked by successive UK Government's, resulting in the current political stasis.

Moreover, '*as a matter of law*' a referendum is not a requirement for independence.¹⁰² In addition, under existing proposals, a local government or municipal franchise is used for referendums and national elections in Scotland. This form of franchise permits people of other nationalities/national identities resident in Scotland to have a vote on the constitutional matter

¹⁰² Chris McCorkindale and Aileen McHarg. "Constitutional Pathways to a Second Independence Referendum." UK Constitutional Law Association. January 13 2020. <https://ukconstitutionallaw.org/2020/01/13/chris-mccorkindale-and-aileen-mcharg-constitutional-pathways-to-a-second-scottish-independence-referendum/>.

of Scottish independence; such a franchise is not reciprocal in other countries and arguably represents a leakage of Scottish sovereignty. Crucially, a local government franchise allowing a vote on the matter of Scotland's independence to people of national identities other than Scottish serves to inflate the anti-independence vote and effectively served to block independence in 2014.¹⁰³ Scotland's prevailing demographics and the changing identity of the population (i.e. becoming more 'British' and hence less 'Scottish'), suggests the same outcome (a 'No' vote) may well occur if another referendum is held based on usage of the same franchise.¹⁰⁴

As the majority of Scotland's national representatives represent political sovereignty at any given time, it is ultimately they who must exercise and affirm the sovereignty of the Scottish people in order to secure independence. At the moment these elected representatives are refusing to assert Scottish sovereignty, instead placing their faith solely in a UK Government agreeing to a further referendum based on an irregular voting franchise.

We now see the creation of new National Parties¹⁰⁵ who are proposing that a national election must be used as a plebiscite on independence, and that an elected majority of Scotland's national representatives must then negotiate Scotland's independence and withdrawal from the UK Treaty-based alliance. Such an outcome would respect the sovereignty of Scotland's people, the democratic outcome of a national election, and the fact of the Treaty-based alliance.

In the scenario currently being played out, the dominant national party elites' behaviour aligns closely with established postcolonial theory in what may be termed here the *Decolonisation Template*.¹⁰⁶ In this regard the dominant national party (SNP) has reached its

¹⁰³ Bond, *National identities and the 2014 independence referendum in Scotland*, 92.

¹⁰⁴ Baird, *Doun-Hauden: The Socio-Political Determinants of Scottish Independence*, 346.

¹⁰⁵ Alba Party

¹⁰⁶ Fanon, *The Wretched of the Earth*, 98.

own ‘*accommodation with colonialism*’ and its purpose is now to delay and even to block independence. It behaves much ‘*like a gang*’, appointing its friends to key positions and ‘*feathers its nest*’ and ‘*builds up its pensions*’. It promotes bizarre policies and passes legislation which ‘*mystify the people*’ (e.g. Gender Recognition, Hate Crime Bill, pardoning 17th century witches etc). This makes the party appear busy whilst meantime diverting attention away from the lack of progress on its core purpose – independence and the liberation of the people. Additionally, it continuously takes the independence movement up another (Section 30) *blind alley* and only mentions independence close to election time; it attacks and harasses the more ‘radical’ independence leaders, including using ‘*the arms*’ of the colonial power (i.e. police and prosecutors) to do so; and this, unfortunately, is where colonialism has a tendency to develop into fascism, devoid of human values.¹⁰⁷

A further aspect of postcolonial theory as explanation for inaction of the dominant national party leaders on independence relates to their *petrification*; they are apprehensive of asserting and affirming sovereignty, which is always a decisive moment for the nation, fearing the imperial power’s ‘*planes and tanks*’, despite being handed successive democratically elected nationalist majorities by the people sufficient to deliver independence.¹⁰⁸ This in turn is what leads to creation of new national parties (now at least three more parties) who are intent on securing liberation more rapidly. This therefore appears to be the way the decolonisation template is being played out in Scotland, as has been the case in many other countries, not least in nearby Ireland.

In addition to the need to support other national parties that are sincere about delivering independence, the Scottish people arguably still have only a rudimentary consciousness and understanding of what independence means, which is *decolonisation* and liberation from

¹⁰⁷ Cesaire, *Discourse on Colonialism*, 34.

¹⁰⁸ Fanon, *The Wretched of the Earth*, 110.

oppression and exploitation – cultural, linguistic, political, economic, and more. In this regard the nation’s intellectuals have an important role to play, and particularly in social media and the numerous pro-independence blogging sites¹⁰⁹, given that control of mainstream media and education at all levels is reserved to unionist institutions, the latter providing only a unionist/colonial narrative and associated propaganda on the question of Scottish independence.¹¹⁰

Ethnicity

Some consider the racial or ethnic oppression of Scots to be rather historic, mainly related to the post-1745 Highland Clearances and the banning of the kilt and Gaelic language.¹¹¹ However, the Scots still constitute an ethnic minority group in the wider UK context and upon whom an Anglophone *Cultural Hegemony* continues to be imposed. This therefore remains an important factor in the marginalisation, subjugation and resulting inequality of the indigenous minority (Scottish) ethnic group encompassing Scots language speakers.

The meritocratic elite, which in a colonial environment is always *mediocre*, reflecting the narrow stream from which it is mostly sourced,¹¹² tends to be obscured in terms of the way in which institutional ethnic discrimination contributes to inequality among ethnic groups.¹¹³ Social and economic inequalities imposed on the culturally oppressed group become institutionalised within what is an *ethnically stratified society*. An imposed monolingual

¹⁰⁹ Iain Lawson. “In Solidarity with Craig Murray.” October 15, 2021. IN SOLIDARITY WITH CRAIG MURRAY – YOURS FOR SCOTLAND (wordpress.com)/.

¹¹⁰ John Robertson. “BBC bias and the Scots referendum.” Open Democracy, 2014. <https://www.opendemocracy.net/en/opendemocracyuk/bbc-bias-and-scots-referendum-new-report/>; David Edwards and David Cromwell. *Propaganda Blitz – How the Corporate Media Distort Reality*. London: Pluto Press, 2018.

¹¹¹ Ross, *Scotland: History of a Nation*, 221; Tom M. Devine. *The Scottish Nation: A Modern History*. London: Penguin, 2012.

¹¹² Memmi, *The Colonizer and the Colonized*, 52.

¹¹³ Chalmer E. Thompson and Helen A. Neville. “Racism, mental health, and mental health practice.” *The Counseling Psychologist* 27 (1999): 155-223.

English language requirement coupled with the promotion within the rest of the UK of higher status employment opportunities in Scotland, and with no Scots language requirement, has made settlement (in Scotland) an attractive proposition mainly for people from England, according to the census.¹¹⁴ Here a significant *colonial imperative* is evident, which is associated with imposing a dominant culture and language on a people linked with organised movement of population into and from a territory.

Within a colonial environment, which always involves racism, prejudice and worse, there exists a prevailing institutionalised ethnic discrimination of native (i.e. Scots) speakers and their culture. Colonialism and the imposition on Scots of Anglophone cultural and linguistic domination, and with that the denigration and diminution of Scots (and Gaelic) language and culture, has created what is colloquially termed *the Scottish Cultural Cringe*.¹¹⁵ This psychological condition is more properly known as *Appropriated Racial Oppression*, and has serious socio-economic and health impacts for an oppressed people. The psychological as well as socio-economic damage caused by the resulting ‘*self-hatred*’ of Scots (due to the effects of colonialism) has been described as *incalculable*.¹¹⁶

Thus, ethnic discrimination develops within the consciousness of an oppressed people as *Internalized Racism* or *Appropriated Racial Oppression*.¹¹⁷ This involves and relates to a peoples:¹¹⁸ appropriation of negative stereotypes; their subordination and deprivation is considered (by the oppressed group) to be deserved; the ready devaluation of one’s own group’s culture and language; patterns of thinking that support maintaining the (colonial/oppressive) status quo, and; oppressed group members seeking *conformity* with

¹¹⁴ Anderson, *Migrants in Scotland’s population histories since 1850*, 81.

¹¹⁵ Beveridge and Turnbull, *The Eclipse of Scottish Culture*, 21.

¹¹⁶ Purves, *A Scots Grammar*, 2.

¹¹⁷ Donna Bivens. “Internalized Racism: A Definition.” Women’s Theological Center, 1995. <https://www.racialequitytools.org/resourceles/bivens.pdf/>.

¹¹⁸ Jones, Camara, Phyllis. (2000) “Levels of racism: theoretic framework for a gardener’s tale.” *American Journal of Public Health* 90, No. 8 (2000): 1212-1215.

oppressor group culture, motivating them to discard their own culture and language and adopt that of the imposed cultural hegemony, which in this instance is Anglophone. This process is referred to as *Cultural Assimilation* in the colonial context¹¹⁹ and is linked to the theory of *Enculturation*.¹²⁰

In colonialism, ethnic discrimination (of the colonized) thus becomes *normalised*, which places limits on the personal and intellectual freedoms of an indigenous people. Ethnic oppression therefore lies at the root of inequality in a colonial environment. Here the *crushing of the colonized* – and in particular his culture, language and identity – is included among the dominant colonizer’s values; as soon as the colonized adopts these values they similarly adopt their own condemnation and that of their culture and people.¹²¹

A people’s ethnic culture and language, and hence national identity and national consciousness is intentionally marginalised and ultimately destroyed through *colonialism* and associated *Cultural and Linguistic Imperialism* policies, which is its purpose; hence the reason postcolonial theory refers to this phenomenon as *Cultural Obliteration*.¹²² The ruling group, Anglophone in this case, effectively limit the personal and intellectual freedoms of those in the subordinate group (i.e. Scots speakers), which leads to the latter’s self-deprecation. Over time such oppression results in systemic injustice creating institutionalised disparities affecting the well-being and development of the oppressed group.¹²³

The prevalence of high levels of *Appropriated Racial Oppression* within a people therefore helps explain why many ethnic Scots still oppose even their own independence and liberation from oppression. In this regard the oppressed group may deny and reject the notion

¹¹⁹ Memmi, *The Colonizer and the Colonized*, 169.

¹²⁰ Bourdieu and Passeron, *Reproduction in Education, Society and Culture*.

¹²¹ Memmi, *The Colonizer and the Colonized*, 165.

¹²² Fanon, *The Wretched of the Earth*, 190.

¹²³ Isaac Prilleltensky and Lev Gonick. “Politics change, oppression remains: on the psychology and politics of oppression.” *Political Psychology* 17 (1996): 127-148.

or idea that they are oppressed, viewing their indigenous culture and language and hence their ethnicity as naturally *inferior* (which it is not) relative to the dominant culture/language, and as portrayed to them by the colonizer group and its institutions, media etc.; the latter hold to and promote the imposed supposedly *superior* culture and language and through this maintain the dominant *Cultural Hegemony* and hence maintain power and control – politically, economically, culturally and linguistically – over the colonised people.¹²⁴

Ethnic oppression, which has become institutionalised in a society, is therefore a significant contributory factor in Scotland’s anti-independence ‘No’ vote. Appropriated Racial Oppression may be embedded so deep in a people as to be rigid and unchanging,¹²⁵ which to some extent reflects the rather stable proportion of Scots who remain opposed to independence and hence reject their own liberation, an outcome that might appear illogical in other settings.

In this connection we enter into the realms of the *Colonial Mindset*, in that the effects of colonialism are considered to lead to a *disease of the mind*, which an oppressed people must cast out in order to become fully liberated.¹²⁶ While the cure for this condition involves ‘*difficult and painful treatment*’, there may well be a more serious drama if colonization is permitted to continue.¹²⁷

Additionally, the active blocking of Scottish independence and hence outright rejection of the offer of Scottish citizenship by significant numbers of non-Scottish voters resident in Scotland may also be considered as a form of ethnic discrimination, for in this they are blocking the *inalienable right* to self-determination of another *ethnic* group. Indeed, this may even be considered a xenophobic act whereby peoples invited into a country to live and work then actively deny the right of the indigenous host people to self-determination.

¹²⁴ Nancy Krieger. “Discrimination and health.” In L. Berkman and I. Kawachi, (Eds.), *Social Epidemiology*. Oxford: Oxford University Press, 2000: 36-75.

¹²⁵ Mark B. Tappan. “Reframing internalized oppression and internalized domination: from the psychological to the sociocultural.” *Teachers College Record* 108, No. 10 (2006): 2115–2144.

¹²⁶ Memmi, *The Colonizer and the Colonized*, 142.

¹²⁷ Memmi, *The Colonizer and the Colonized*, 191.

The development of ‘*Appropriated Racial Oppression*’ among a people as a consequence of colonialism therefore helps explain much of Scotland’s constitutional dilemma whereby many ethnic Scots continue to vote to block their own independence. In this they are rejecting the offer and right to create their own national citizenship and are refusing their own liberty whilst accepting as somehow deserved their continued cultural domination, oppression and exploitation by another ethnic group amidst an illusion of the latter’s supposedly *superior* culture and language.

As the aim of independence/decolonisation is ultimately about ending ethnic discrimination, oppression, and the political, economic and cultural exploitation and inequality of a people that goes with it, this explains why independence movements primarily depend on and reflect the ethnic solidarity of the oppressed group in question,¹²⁸ in this case the Scots-speaking Scots.

Self-Determination

Self-determination of ‘*a people*’ is a cardinal principle of the UN Charter. Here the definition of ‘*a people*’ is normally related to their holding to the same specific traditions, culture, ethnicity, history and heritage, language, sense of identity, the will to constitute a people, and common suffering.¹²⁹ This reflects the most common interpretation of self-determination in which a group of people hold strong social, cultural, heritage and linguistic ties, and hence have their own distinct national identity, and who are considered to then have the right to form and determine the shape of their own government and nation.¹³⁰

¹²⁸ Memmi, *The Colonizer and the Colonized*, 135.

¹²⁹ Abulof Uriel. “The Confused Compass: From Self-Determination to State-Determination.” *Ethnopolitics* 14, No. 5 (2015): 488-49.

¹³⁰ Mikulas Fabry. *Recognizing states: international society and the establishment of new states since 1776*. Oxford: Oxford University Press, 2010.

Self-determination independence is regarded as *decolonisation* by the United Nations, the latter establishing in 1960 a Special Committee for the purpose of Decolonization, or C-24, to help facilitate the independence process for non-self-governing territories and peoples¹³¹. The UN Declaration on *the Granting of Independence to Colonial Countries and Peoples* and subsequent resolutions therefore applies as much to Scotland and its people as to any other.

The Declaration itself provides the required legal linkage between self-determination and its goal of decolonisation.¹³² Practically all territories which have decolonized since the UN Charter was created have done so through the processes of self-determination. Here the Declaration's legislative objective, much of which has been fulfilled, aimed to legally terminate the former Colonial Empires and to end their many injustices, including treaty violations. The latter still exists in what might now be regarded as the 'rump' of a formerly vast British Empire which persists in the form of the UK State and its continuing colonial relationship and exploitation of Scotland (Ireland and Wales¹³³).

In the question of self-determination of a people it is recognised by C-24 that there should be no external interference in the process: no other countries or peoples should be involved, no external media influence, and the voter franchise should include primarily the 'people' seeking self-determination. Few if any of these conditions appear to have been respected by the UK Government during the Scottish independence referendum in 2014.¹³⁴ Indeed, post referendum research established that Scotland only remained in the Union because of the views and votes of those residents who were born in other parts of Britain and further

¹³¹ United Nations, *Special Committee on Decolonization*.

¹³² Edward McWhinney. "Declaration on the Granting of Independence to Colonial Countries and Peoples." United Nations Audiovisual Library of International Law, 2008. <https://legal.un.org/avl/ha/decolonization.html/>.

¹³³ Adam Price. *Wales: The First and Final Colony*. Talybont, Ceredigion: Y Lolfa Cyf, 2018.

¹³⁴ Robertson, *BBC bias and the Scots referendum*; Edwards and Cromwell, *Propaganda Blitz – How the Corporate Media Distort Reality*.

afield.¹³⁵ In other words, people coming from outside Scotland determined the final outcome, effectively blocking independence. Scotland's self-determination process is still in what might be regarded as a '*Decolonisation Phase*' yet remains subject to considerable ongoing external interference, particularly politically, and in respect of a mainstream media active in Scotland which is owned by external interests and promotes a pro-British and anti-Scottish independence agenda and narrative.

Secession, or a territory seeking to become independent from a parent state, is an aspect which does not readily 'fit' in the case of Scotland, the latter a sovereign people seeking to withdraw from its own treaty-based alliance agreement. Nevertheless, under the *Remedial Rights Theory* a territory has a right to secede if it has suffered certain injustices.¹³⁶ Scotland's mass population displacement (direct and indirect), continued political and economic exploitation (including an enforced EU exit), economic and social under-development, and cultural and linguistic oppressions, it might be argued, each constitute long-term injustices. Scotland's liberation also arguably fits on all aspects of the *three theories of secession*;¹³⁷ just-cause theory, choice theory, and nationalist theory. Additionally, in the case of Quebec's proposed secession, the Supreme Court of Canada found that, in instances of subjugation and oppression of a specific defined people, and in respect of colonies and oppressed states, such entities generally receive international backing for their sovereignty.¹³⁸

Self-determination of a people is inevitably made more difficult where the population has become more ethnically diverse through occupation and demographic change, and where a unified voice has been influenced by movement across ethnic lines.¹³⁹ In colonialism, this

¹³⁵ McIntosh, *Majority of Scottish born voters said 'yes'*.

¹³⁶ Vita Gudeleviciute. (2005) "Does the Principle of Self-determination Prevail over the Principle of Territorial Integrity?" *International Journal of Baltic Law* 2, No. 2 (April 2005): Vytautas Magnus University School of Law.

¹³⁷ David Miller. *Is Self-Determination a Dangerous Illusion?* Cambridge: Polity, 2019.

¹³⁸ Canada Supreme Court Judgements. "Secession of Quebec, Report [1998] 2 SCR 217." 1998. Reference re Secession of Quebec - SCC Cases (lexum.com)/.

¹³⁹ Green, *Decentralization and political opposition in contemporary Africa: evidence from Sudan and Ethiopia*.

tends to be the objective of an imperial power via plantation policies, much as the British did in Ireland and many other countries,¹⁴⁰ with the intended aim to weaken the independence movements in such territories. Scotland appears to have been treated little differently in this regard.

The UN self-determination process is mainly considered relevant for colonies; whilst Scotland is arguably not a colony constitutionally, its relationship with the UK is to all intents and purposes colonial in nature and effect. Despite the socio-political reality of Scotland's colonial subjugation and exploitation, *constitutionally* the Scots are and remain a sovereign people and Scotland remains a signatory party to what is an international treaty-based alliance. A sovereign people must therefore retain the right to withdraw from or amend their own treaty-based agreements. Scots therefore have the right to independence and self-governance however this may be determined, whether by unilateral withdrawal by a majority of Scotland's MPs from the Treaty of Union alliance, or via self-determination and decolonisation.

Conclusions

The *Socio-Political Determinants of Scottish Independence* theoretical framework outlines critical aspects of societal power and cultural control mechanisms presently influencing and inhibiting Scottish independence. The 'grounded theory' framework criteria illustrates what is a colonial and hence oppressive and exploitative environment and relationship for indigenous Scottish people within the UK Union. It is this ongoing oppression and associated exploitation, ethnic in its orientation, which constitutes the main rationale for independence; hence solidarity of the oppressed ethnic group forms the basis of this or any independence movement.

The matter of the independence of a people and nation is never primarily dependent upon general policy matters, far less about political *promises* that a people may be better or

¹⁴⁰ Said, *Culture & Imperialism*, 283.

worse off; rather, the motivation for independence is primarily dependent on a people's national identity and hence their national consciousness, also influenced by the necessary understanding of their oppression. The basis of Scottish national identity and national consciousness relates mainly to the indigenous (i.e. *Scots*) language and culture, which is sorely diminished through the people being deprived of the right to learn their own mother tongue by a UK State and its devolved administration and institutions.

Postcolonial theory indicates that the main blockage to independence, paradoxically, may come from a dominant national party elite, the latter entering into a private *tête-à-tête* and accommodation with the colonial power and acting to block independence. The party leads the people up one blind alley after another, always stopping short of independence. Hence the creation of new national parties more focused on the urgency of delivering independence, but also creating potential for conflict the longer any delay occurs.

The effect of *Colonial Bilingualism* implies that much of Scotland's population today retains a mixed and confused *dual identity*, reflecting a linguistic and cultural divide that is colonially determined. This is no accident, given over three centuries of colonial and cultural domination resulting in what is, for Scots as with any colonised people, little more than '*a moribund culture and a rusted tongue*'. With the number of Scots language speakers in long-term decline, the sense of Scottish identity and national consciousness will continue to wane so long as the language is not taught and given authority. Postcolonial theory suggests the eventual outcome of colonialism, should it be permitted to continue, is that due to cultural assimilation 'a people' and their culture, language, identity and values will eventually *perish*, and their nation with it.

The Scots' choice here and options for any colonised people is therefore between *independence*, which is liberation from oppression, or *assimilation*; the latter involves the replacement of a people's culture and language, with many of the indigenous people assuming

the supposedly *superior* culture and language of another people. Oppressions take many forms in the colonial relationship but includes primarily political and economic exploitation which is enabled through an imposed Cultural Hegemony reflecting the dominant culture, language (Anglophone, in this case) and values. This process results in the marginalisation and under-development of the indigenous people and their nation, as reflected in Scotland's long-term economic difficulties, external exploitation and plunder of resources, inadequate infrastructure, and continuing high levels of poverty, deprivation and associated adverse health impacts.

Independence first and foremost is therefore a fight for a people's *national culture* in which indigenous language is always a significant feature; the colonized is merely borrowing the colonizer's tongue and on recovering autonomy reverts back to his own language, no matter if the vocabulary is limited. This cultural realisation forms an essential basis and foundation of any quest for '*a people's*' economic and political independence, and holds regardless of political ideology a people may adopt thereafter.

It is hoped that Scots' striving to secure their independence will be able to use the theoretical framework and analysis as set out here to their advantage, by focusing on each of the determinants and developing appropriate strategies to overcome the challenges involved. The framework and its analysis are also intended to help improve understanding more widely of what Scottish independence is really about (*decolonisation*) and why it is essential (*liberation from oppression*). Hence these research findings can be used to improve and widen understanding and awareness of the key determinants and as a strategic analytical tool to aid and secure Scotland's independence.

Becoming European: EU Identity Formation in Latvia from 2004 to 2019

Colin Bushweller*

Abstract: *This paper provides an analysis of the European Union (EU) citizen identity in Latvia over a 15-year timeline from 2004 to 2019, examining the ways in which feelings of “Europeanness” have grown among Latvian citizens since the nation’s initial accession to the EU. This article contains theoretical, historical, and statistical frames for its analysis. Drawing on Eurobarometer reports and their data annexes published between 2005 and 2019, this paper documents the quantitative evolution of EU identity in Latvia and demonstrates that the EU citizen identity in Latvia has grown in recent years, but that, in certain regards, it still lags in comparison to other EU member states. Specifically, this analysis highlights that the social component of EU identity in Latvia—the “actual” self-description that one is culturally European—lags behind the EU average. This article contributes significantly to the existing body of EU scholarship because of its specific focus on Latvian identity development through the lens of Eurobarometer reports, and because of its selected 15-year timeline, which started with its initial accession to the EU. This article posits that, should the EU identity in Latvia continue to grow and develop in the coming years, then Latvia could—at a time when other nations are suffering from Eurosceptic ideology—elevate the country’s social voice in the EU and position itself as truly European, thereby ending Latvia’s previous connections to Eastern society and solidifying itself as a Western nation.*

Keywords: *European Union, Latvia, EU Identity, Constructivism, Neo-Functionalism*

Introduction

With many member states come a plurality of cultures and different societies. As such, the European Union (EU) has had to grapple, throughout its widening and deepening process, with the ways in which it can effectively ensure that, despite these varying societies, all member states possess a set of social values and principles that align with each other. This consistent set of ideals enables cohesiveness throughout the union and across cultural dimensions, increasing cooperation and engagement along economic, political, and social lines. An example of how the EU has accomplished this is through its attempts to create a common, collective EU citizen (i.e., European) identity. Establishing and developing a European identity is viewed as an effective

mechanism in addressing and countering the perceived lack of international and social legitimacy of the EU.

Constructed by one's leading beliefs, values, and personality, an individual's identity defines their essence and supplies them with a sense of belonging. Citizenship is then inherently connected to this because it grounds an identity in an established, material label. In the case of the EU, the formation of a European citizen identity is produced through bottom-up, collective value-messaging methods, which initiate unity and social ties among the member states in a federal-like process. In doing this, the EU develops itself as not only an economic union, but also a social union with its own cultural identity, allowing the EU to create a social foundation within its member states. Under this foundation, EU citizens, even though they have many different nationalities and languages, can share with each other a common, communal identity. The cultural barriers are then removed so that the collective, cross-border communities can better engage with each other and operate in their shared social world.

This identity construction has, however, come with challenges, especially in the early stages of membership for certain post-Soviet member states, such as Latvia, whose language and culture struggled under Soviet occupation for nearly five decades, during which the Soviet Union attempted to remove its culture and language to instate a Slavic majority. Because of this occupation, Latvia structured its governmental framework around the basis of its national identity once it regained independence, re-establishing and providing its culture with a platform on which to flourish after years of oppression. Owing to this, Latvia has a strong national identity—and any attempt to incorporate another identity (i.e., a European one) into its society is met with caution. Though more and more Latvians are beginning to identify with being European, the country still finds itself behind the majority of the other member states in certain

regards with its EU identity. In 2019, for example, it ranked 19th out of the then 28 member states for the number of people who claim to feel they are a citizen of the EU.¹ Latvia also has struggled in the past with sharing common values and principles with the EU, and the nation has consistently had one of the lowest rates among all member states for citizens who believe their voice is actually considered in the EU. This then raises the question: How has the EU citizen identity developed in Latvia since its accession to the union in 2004?

Analyzing this phenomenon through a constructivist and neo-functionalist framework, this essay will explore Latvia's EU identity development over a 15-year period from its accession in 2004 to 2019. As a former Soviet republic whose national language and culture is crucial to its identity, the Europeanization of Latvia is a unique case to analyze as this country transitions—socially, politically, and economically—from the East to the West.

1. Methodology and Structure

This article employs a mixed-methods approach to understanding national and European identity in post-Soviet Latvia, examining this phenomenon through a theoretical and statistical framework. The article's analysis will be both descriptive and exploratory, and its objective is to shed light on the formation of the EU identity in Latvian citizens, paying attention to the historical factors that both contributed to this construction and rendered it difficult.

The article will begin with an academic examination of two necessary theories attached to Europeanization: neo-functionalism and constructivism. This is included to explain the

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¹European Commission, "Standard Eurobarometer 91: Spring 2019," European Union, August 2019, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

background context and functionality of EU social development and how the EU encourages a supranational identity. The section to follow will provide an historical review of Latvia, contextualizing its recent history under Soviet occupation as a means to explain why it chose certain policies post-independence and why the nation functions the way it does today. The information for this section was obtained through a comprehensive review of previous scholarship in the field, focusing specifically on scholarship that analyzed the nation's ethnic relations and its post-independence policies, which played a significant role in shaping the Latvia of today. Latvian primary sources, such as ministry websites and national demographic reports, were reviewed, as well.

The section that follows consists of a detailed analysis of Eurobarometer reports and their data annexes. Conducted regularly since 1973, the Eurobarometer is a series of public opinion surveys, which address a wide variety of topical issues relating to the European Union throughout its member states. The Standard Eurobarometer is published twice a year, both in the fall and spring. Occasionally, such as after EU elections, a special edition of the Eurobarometer is published in addition to its two usual seasonal reports. This section's analysis begins with the fall 2004 edition, after which it analyzes, for the most part, only the spring editions in two-year increments from 2007 to 2019. However, in a couple cases, when the needed information is not in the spring reports, the section's analysis will draw on a different year. These cases are noted either in the body of the text or in footnotes for the sections. This portion of the paper highlights the statistical overview of Latvia's connection to the EU since its initial joining, and the figures aim to show the development of an EU citizen identity in Latvia throughout the past 15 years. To generate the tables that appear in that section, each spring Eurobarometer report—and the one fall 2004 report—was reviewed individually to locate common sections and questions that

appear in each, and specifically within the data annexes that contain the raw data. The information within these reports and annexes detail Latvia's rates of EU attachment and identity over the selected period of time. The final section of this article then concludes with an analysis on the importance of EU identity development, and—considering the current EU climate—why Latvia has a unique opportunity to gain soft power in the EU in the coming years.

Lastly, it is important to provide a brief summary of this article's contribution to current scholarship. Within the existing body of literature, this article incorporates a new perspective of analysis in scholarship relating to Latvia and its position in the EU. Previous studies and articles have analyzed Latvia and the EU together. However, these analyses were very much politically- and economically-oriented, or they focused on Latvia's relationship with the EU under the guise of the ethnic Russian community and their minority rights, therefore not analyzing the nation as a whole.² This article's social analysis, instead, focuses on contemporary EU identity in Latvia over an illustrative 15-year timeframe from 2004 to 2019, providing an updated image of this identity. And though the article does provide an overview of Latvia's reassessment of minority rights in the lead up to EU accession, this is not a judicial analysis, and that information is included only for the purpose of historical contextualization.

2. Neo-Functionalism and Constructivism: The Theoretical Groundings of Europeanization

² Edgars Eihmanis, "Cherry-Picking External Constraints: Latvia and EU Economic Governance, 2008–2014," *Journal of European Public Policy* 25, no. 2 (2018): 231-249; Edgars Eihmanis, "Latvia and the European Union," *In Oxford Research Encyclopedia of Politics*, 2019; Geoffrey Pridham, "Legitimizing European Union Accession? Political Elites and Public Opinion in Latvia, 2003—2004," *Party Politics* 13, no. 5 (2007): 563-586; David McCollum et al., "Rethinking Labour Migration Channels: The Experience of Latvia from EU Accession to Economic Recession," *Population, Space and Place* 19, no. 6 (2013): 688-702; Emel Elif Tugdar, "Europeanization of Minority Protection Policies in Latvia: EU Conditionality and the Impact of Domestic Factors on the Rights of Ethnic Russians," *CEU Political Science Journal* 01 (2013): 32-54; David Galbreath, "European Integration through Democratic Conditionality: Latvia in the context of minority rights," *Journal of Contemporary European Studies* 14, no. 1 (2006): 69-87; Conor O'Dwyer and Katrina Schwartz, "Minority Rights after EU Enlargement: A Comparison of Antigay Politics in Poland and Latvia," *Comparative European Politics* 8, no. 2 (2010): 220-243.

Europeanization is the structural emergence and development—at the European level—of defined, dominant layers of political, legal, and social governance. That is, it is the establishment of an agenda and the implementation of a set of directives intended to embody the principles of its member states, which are obligated to adhere to and integrate them within their societies.³ These structures then are political problem-solving entities that establish interactions among all the actors along the lines of a European ruleset. In streamlining these values and principles, Europeanization can more easily allow countries to adapt to and integrate these ideas within their own societies, while also developing their own European identity connected back to the union. Before countries join the EU, they are required to adhere to and reach these conditions, which makes it so every EU member state has layers of Europeanization already cemented within its society. These conditions, which include a steady economy, a stable democracy and the rule of law, and an acceptance of EU legislation, are known as the “Copenhagen criteria.”⁴ Meeting these criteria creates commonality within the union and ensures there is not a large disparity in value sets among all member states, even though each nation comes in with a different background, history, culture, and, oftentimes, language.

One of the leading theories attached to European integration is neo-functionalism, and specifically because of its attachment to the “spillover” effect when discussing EU integration. This theory posits that throughout the process of integration, that which transpires in one state will organically transfer over to another (i.e. spilling over), which, in turn, passes the torch of integration from one actor to the next and facilitates a continuous flow of values throughout the

³ Maria Cowles and Thomas Risse, “Conclusions,” in *Transforming Europe: Europeanization and domestic change* (2001): 217-37.

⁴ “Joining the EU,” European Union, https://european-union.europa.eu/principles-countries-history/joining-eu_en.

region.⁵ This spillover is ongoing, as well, and it is also considered to have “spill-around” and “spill-back” effects; that is, the process of EU integration does not transpire in one country and then end there as it passes to another. Instead, integration reaches a point in one country where it can spillover into another, but the integration itself is still ongoing and continuing, since these processes can never be fully complete and do not exist on one finite line.⁶ Considering this, it is important to recognize the impact that each member state has, especially those from similar regions and with similar histories, on one another in the process of Europeanization.

Both neo-functionalism and Europeanization share a bidirectional relationship, in which each one influences and facilitates the other. This connection assists in the EU’s efforts to promote its social policy at the regional level because principles are more easily adapted and accepted when coming from a bottom-up framework, rather than a top-down one. In other words, nations are likely to respond better to trends that neighboring countries do, if they share a European identity, rather than those coming from the center of power, such as Brussels, because the process of acceptance appears more natural and organic, and not forced or imposed.⁷

As a second theoretical framing, this essay also follows Holland et al.’s (2001) constructivist definition on identity creation. This theory posits that the production and overall formation of identity can be understood as a process by which “people are constituted as agents as well as subjects of culturally constructed, socially imposed worlds,” and that this formation turns “from experiencing one’s scripted social positions to making one’s way into cultural

⁵ Liesbet Hooghe and Gary Marks, “Grand theories of European integration in the twenty-first century,” *Journal of European Public Policy* 26, no. 8 (2019): 1113-1133, DOI: 10.1080/13501763.2019.1569711.

⁶ Thomas Dunn, “Neo-Functionalism and the European Union,” *E-International Relations*, (2012): 1-3; Carsten Stroyb Jensen, “Neo-functionalism,” *European Union Politics* 4, (2013); Arne Niemann, “Neofunctionalism,” *Oxford Research Encyclopedia of Politics*, (2017).

⁷ Liesbet Hooghe and Gary Marks, “Grand theories of European integration in the twenty-first century,” *Journal of European Public Policy* 26, no. 8 (2019): 1113-1133, DOI: 10.1080/13501763.2019.1569711.

worlds as a knowledgeable and committed participant.”⁸ Constructivism is an important tool of contextualization because identity is not something that is static or stationary, as explained by Holland et al., but instead something that is variable, interactive, and multivocal. Identity levels increase and decrease naturally; therefore, these levels are not guaranteed to always remain where they are, even after periods of notable augmentation.⁹

As a theory, constructivism rests on the concept that humans are not separate from their environmental context or structure, and that the ideas and beliefs that form the “ideational” environment, within which actors find themselves, create and inform the actions of individuals. Constructivism postulates that citizens, in a collective fashion, reproduce or reconstruct this environment through their ongoing behavior and actions. According to constructivists, our social environment fundamentally defines both who we are and what we think.¹⁰

For the EU, constructivism highlights and showcases a number of important areas of study, especially when analyzing the cross-cultural implications with identity. For instance, constructivism suggests that identity is a core part of states’ decisions to integrate with the EU and within its society, since states that feel more “European” are more likely to cooperate with EU policies.¹¹ This cooperation then spurs more engagement and participation along economic, political, and social lines, resulting in a more cohesive and connected union. A 2012 study analyzing cooperation levels between individuals who did and did not classify themselves as having a European identity supports this. That is, participants in the study with a “European

⁸ Dorothy Holland et al., *Identity and Agency in Cultural Worlds*, Harvard University Press (2001).

⁹ Ibid.

¹⁰ Thomas Risse, “Social Constructivism and European Integration, *European Integration Theory*, eds. Anje Wiener and Thomas Diez,” (2004).

¹¹ Jeffrey Checkel, “Constructivism and EU Politics,” in *Handbook of European Union Politics* (2007); Rey Koslowski, “A Constructivist Approach to Understanding the European Union as a Federal Polity,” *Journal of European Public Policy* 6, no. 4 (1999): 561-578.

identity”—those whose identities crossed their own pre-given national boundaries and moved into a supranational one—had significantly greater levels of social cooperation when compared to those who do not have as strong a sense of an EU identity.¹²

Additionally, for the EU, constructivism’s interconnectedness with identity works largely on the process of “becoming,” and especially for newer member states—like the several former Soviet nations that joined in 2004, such as Latvia—which are trying to construct and develop their own identities and cultures after years of oppressive occupation. Many of these attempts to develop their national identities in the contemporary, post-Soviet period also came with stringent naturalization and language policies, in order to ensure that their citizens were “true” patriots. This is especially the case for Latvia, whose citizenship is based on connection to the state, as demonstrated by a sophisticated knowledge of the state language, culture, traditions, history, and society.¹³

As the Eurobarometer reports support, Latvian citizens hold their identity in a high position, of which citizenship is the crux—because it ultimately defines who they are. In addition, having already lost their identity under a “union” during the USSR occupation, many citizens are cautious of forfeiting any level of their current identity for the sake of the establishment of a European one. As a result, this process of “becoming” poses a unique but challenging opportunity for the EU. Officials in the EU must work on the establishment of its own “EU citizen” identity, yes, but also navigate around and be respectful of Latvia’s national

¹² Francesco La Barbera and Pia Cariota Ferrara, “Being European in a Social Dilemma: The Effect of European Identity on Cooperation,” *TPM: Testing, Psychometrics, Methodology in Applied Psychology* 19, no. 3 (2012).

¹³ Graham Smith, “The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia,” *Nationalities Papers* 24, no. 2 (1996): 199-216; Artemi Romanov, “The Russian Diaspora in Latvia and Estonia: Predicting Language Outcomes,” *Journal of Multilingual and Multicultural Development* 21, no. 1 (2000): 58-71; Lowell Barrington, “Nations, States, and Citizens: An Explanation of the Citizenship Policies in Estonia and Lithuania.,” *Review of Central and East European Law* 21 (1995): 103. <https://doi.org/10.1163/157303595x00066>.

identity. Specifically, officials must be aware of the role this label plays in the citizens' minds for their own national belonging and placement in society. The EU needs to cross cultural dimensions to create its own common identity, but it must do so in a careful, targeted, and concentrated process—or else it runs the risk of delegitimizing the European identity. In doing this, the EU can produce its own identity but still have citizens hold onto their original, national ones. This concept—the existence of a regional and national identity within the same citizen—is similar to what takes place in other federal and federal-like countries, where individuals identify themselves along national and state lines.

3. Contemporary Latvian History: From Occupation to Independence to EU Accession

Latvia has experienced varying levels of independence over the past several centuries, with the most recent example taking place in the 20th century during the Soviet Union's occupation of Latvia. Under Soviet occupation, from approximately 1940 to 1990,¹⁴ Latvians were subjected to a number of policies that were systematically aimed at lowering the rate of ethnic Latvians—along with their language and culture—in the Latvian USSR republic, as a means to create a Soviet state dominated by Slavic ethnicities and remove the nation of its titular ethnic group.¹⁵

To instate an ethnic Russian majority in the nation, the USSR had to remove significant portions of Latvians from their home nation. And this is exactly what the communist regime did. The Soviet Union initiated mass deportations of the country's titular population—many of whom were women and children—throughout the 1940s to intense labor camps and uninhabitable parts

¹⁴ Latvia entered a transitional period into independence in May 1990. The Soviet Union officially recognized Latvia's independence in September 1991, thereby ending the period of occupation.

¹⁵ This tactic of lowering the rates of the titular ethnicity in non-Slavic republics took place all over the Soviet Union. Estonia, Latvia, and Lithuania—coming from the Baltic region—experienced similar levels of hardship as a result of these policies, including deportations, executions, and the oppression of their cultural lifestyles.

of Russia. Many perished on the ride to such locations, as well, having been crammed into small box carts with dozens and dozens of others, without food or water to survive the long journey.¹⁶

The two largest deportations took place in 1941 and 1949. In Latvia, approximately 35,000 Latvians, some of whom were children under the ages of ten, were deported to, and subsequently died in, labor camps and uninhabitable parts of Russia as part of the 1941 deportation campaign. Latvia's 1949 deportations then saw the removal of 42,000 Latvians from their homeland. Over 11,000 of the 42,000 deported in 1949 were children. All in all, at least 100,000 ethnic Latvians are documented as having been deported as part of these initiatives, but these are only estimates and likely do not reflect the true number, since Soviet authorities largely withheld documentation and information around these population-reducing operations.¹⁷

*Table One: Ethnic Breakdown in Latvia from mid-1900s to Present Day*¹⁸

Latvia: 1935 - 2018								
<i>Ethnic Group</i>	<i>1935</i>	<i>1959</i>	<i>1970</i>	<i>1979</i>	<i>1989</i>	<i>2000</i>	<i>2011</i>	<i>2018</i>
<i>Latvian</i>	76%	62%	57%	54%	52%	58%	62%	62%
<i>Russian</i>	11%	27%	30%	33%	34%	30%	27%	25%
<i>Ukrainian</i>	0.10%	1%	2%	3%	4%	3%	2%	2%
<i>Belarusian</i>	1%	3%	4%	5%	5%	4%	3%	3%
<i>Other</i>	11.90%	7%	7%	5%	5%	5%	6%	8%

¹⁶ Henrihs Strods and Matthew Kott, "The File on Operation 'Priboi': A Re-Assessment of the Mass Deportations of 1949," *Journal of Baltic Studies* 33, no. 1 (2002): 1-36; Aleksandr Moiseevich Nekrich, *The punished peoples: The deportation and fate of Soviet minorities at the end of the Second World War*, Norton, 1978.

¹⁷ Henrihs Strods and Matthew Kott, "The File on Operation 'Priboi': A Re-Assessment of the Mass Deportations of 1949," *Journal of Baltic Studies* 33, no. 1 (2002): 1-36; Philip Roeder, "Soviet Federalism and Ethnic Mobilization," *World Politics* 43, no. 2 (1991): 196-232.

¹⁸ Information was obtained from relevant censuses and national population data for 2018.

To mitigate the population loss and ensure a Slavic dominance, as evidenced by Table One, Soviet authorities brought thousands of ethnic Russians into Latvia, and placed them in the metropolitan areas of Riga, Liepaja, and Daugavpils. To this day, these cities still house the majority of the country's ethnic Russian populations.¹⁹ As a result of their resettlement, and the preceding deportations, the Latvian population lost significant, noticeable portions of their ethnicity during Soviet occupation. Nearing independence in 1989, Latvians barely made up half of the nation's population.

The phenomenon of "Russification" officially took hold in Latvia once the Russians had been resettled. The Soviet government sanctioned the removal of Latvian languages, holidays, cultural traditions, and history from many social and educational spheres. Russian language, culture, and traditions replaced them, consequently becoming the "superior" culture in occupied-Latvia. This facilitated the growth of an anti-Russian and anti-Soviet sentiment among the nation's titular ethnic population, and, ironically, it also had unintended consequences of strengthening Latvian national pride, which later on led to calls for independence.²⁰

In the late 1980s and early 1990s, the situation did begin to change. After the success of various peaceful protests, such as the region-wide Baltic Way movement, and the Soviet government's relaxation of its social and political hold on its republics, Latvia publicly denounced the past five decades of Soviet occupation, announcing the commencement of a transitional period for the nation's full independence.²¹ By September 1991, this goal had been

¹⁹ "Latvia - Russians," Minority Rights Group, February 6, 2021, <https://minorityrights.org/minorities/russians-4/>.

²⁰ Janis Sapiets, "Out of Latvia," *Index on Censorship* 10, no. 2 (1981): 58-59; Mehmet Oğuzhan Tulun, "Russification Policies Imposed on the Baltic People by the Russian Empire and the Soviet Union," *International Crimes and History (Uluslararası Suçlar ve Tarih)* 14 (2013).

²¹ The Baltic Way was a peaceful protest movement in which Estonians, Latvians, and Lithuanians linked arms with each other from Tallinn to Riga to Vilnius (the three Baltic capitals) as a way to express their wish to be free from Soviet occupation. This movement represented an important moment in Baltic history. The three countries' ability to all come together under one umbrella was specifically unique because it was something that both historically did not

achieved; the Soviet Union itself recognized Latvia, along with neighboring Estonia and Lithuania, as a sovereign, independent country not attached to the USSR.²² This was a defining moment of triumph and hope for Latvians because now they finally had the opportunity to significantly develop their nation, freely speak their language, and create the society on which they were working before the 1940 illegal occupation.

However, now independent, Latvia found itself with a sizable ethnic Russian population who, for many, resembled the remnants of a dark, troubling past, away from which Latvian society wanted to break. And, on the other end, Russians in Latvia found themselves unwelcome and unwanted—sentiments that encouraged ethnic consolidation, causing the ethnic Russians to isolate themselves from the rest of Latvia in areas such as Daugavpils and concentrated enclaves in Riga. Ethnic Russians likely feared what a world would look like in which their ethnicity and language were no longer qualities that awarded them in society, but rather things that degraded their social position, since they were aware of, because of the Soviet oppression, the negative sentiments Latvians likely felt toward them.

To revitalize its culture and identity, the Latvian government passed policies that were rooted in its national language and culture in the 1990s, thereby rendering the country a nation-state, whose goal was to promote its own identity after years of having it oppressed, targeted, and degraded.²³ Paramount of these policies were those surrounding citizenship and the restrictive

happen and currently does not happen often, since all three nations like to assert their own uniqueness and identity from one another.

²² Serge Schmemmann, "Soviet Turmoil: Soviets Recognize Baltic Independence Ending 51-Year Occupation," *New York Times*, September 7, 1991, <https://www.nytimes.com/1991/09/07/world/soviet-turmoil-soviets-recognize-baltic-independence-ending-51-year-occupation-3.html>.

²³ Richard Mole, "State- and Nation-Building: the Politics of Identity" in *The Baltic States from the Soviet Union to the European Union: Identity, discourse and power in the post-communist transition of Estonia, Latvia and Lithuania*. Routledge, 2012. 1-39; David Cameron and Mitchell Orenstein, "Post-Soviet Authoritarianism: The Influence of Russia in Its 'Near Abroad,'" *Post-Soviet Affairs* 28, no. 1 (2012): 1-44; Ammon Cheskin and Angela

requirements that encompassed the naturalization process. Once Latvia gained independence, the nation chose not to grant automatic citizenship to all permanent residents or individuals born on Latvian soil. Instead, the government granted citizenship based on ethnicity and familial relation to Latvia prior to the 1940 annexation. The naturalization process in Latvia was especially challenging for ethnic Russians, since a large component of it required advanced knowledge of Latvian—a complex language, which does not share linguistic similarities with Russian or other Slavic languages. Other aspects of the process, such as an awareness of Latvian history, culture, and sometimes an oath of allegiance, made it difficult for ethnic Russians to become citizens.²⁴

Instead of becoming a Latvian citizen or moving back to Russia, many ethnic Russians remained in Latvia (to the disappointment of ethnic Latvians) and received non-citizen passports, which signified that they had no state to which they were attached (i.e. stateless residents). These individuals are referred to as “non-citizens” in current discourse related to citizenship. Though allowed to reside in Latvia, non-citizens were and still are excluded from all political rights, meaning they are unable to vote or stand as candidates in local and national elections. Non-citizens are excluded from a range of jobs, as well. Until 2007, they were also unable to travel throughout Europe without a visa. The stigma attached to this label of statelessness has initiated a crisis of identity for many in this minority community, whose feelings of isolation are only exacerbated by the fact that they know they have no national identity of which they are a part.²⁵

Kachuyevski, “The Russian-Speaking Populations in the Post-Soviet Space: Language, Politics and Identity,” *Europe-Asia Studies* 71, no. 1 (2019): 1-23.

²⁴ Graham Smith, “The Ethnic Democracy Thesis and the Citizenship Question in Estonia and Latvia,” *Nationalities Papers* 24, no. 2 (1996): 199-216; Artemi Romanov, “The Russian Diaspora in Latvia and Estonia: Predicting Language Outcomes,” *Journal of Multilingual Multicultural Development* 21, no. 1 (2000): 58-71; Lowell Barrington, “Nations, States, and Citizens: An Explanation of the Citizenship Policies in Estonia and Lithuania,” *Review of Central and East European Law* 21 (1995): 103, <https://doi.org/10.1163/157303595x00066>; Dace Akule, “The Europeanization of Latvia: Becoming Good Europeans,” *Policy Documentation Center* (2007).

²⁵ Dace Akule, “The Europeanization of Latvia: Becoming Good Europeans,” *Policy Documentation Center* (2007); Martins Paparinskis, “Political and Electoral Rights of Non-Citizen Residents in Latvia and Estonia: Current

This social and national alienation, in turn, created a set of integrational tensions between the Latvian population and the ethnic Russians, since the Russian community also began to operate and exist within different linguistic and cultural worlds, despite living in the same country. To Latvians, however, the social positionality of ethnic Russians mattered little, since the country was focused on its own national development, culture, and language. Consequently, these nation-state policies impacted Latvia's pre-accession phase for EU membership, because the nation received staunch criticism from the EU for its treatment and representation of minority rights, specifically for the ethnic Russian minority. Latvia's pre-accession period to the EU is a stark example of how social policy has been Europeanized—one tool used in the EU's process of forming a European identity in its member states and promoting European integration. Before joining the EU in 2004, the former Soviet-occupied nation had to meet a set of standards to ensure that it was in line with the EU's value system. Simply put, Latvia had to Europeanize itself. And to Europeanize itself meant to review how the country treated and handled minority rights. Eventually, Latvia did recognize the need to address the issues surrounding its ethnic Russian minority and to Europeanize its national policies (i.e. implement European values), or else it ran the risk of not meeting the EU's requirements for membership. The Baltic country was therefore no longer able to ignore its Russian minority community, even if a large portion of its citizens may have preferred to do so.²⁶

The EU observed "important shortcomings" in Latvia's application when it came to minority rights and their working conditions, since it was immensely difficult for the Russian community to find work, which as a result threw the community into the country's lowest socio-

Situation and Perspectives," *European Parliament and*, April 2018, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/604953/IPOL_BRI\(2018\)604953_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/604953/IPOL_BRI(2018)604953_EN.pdf).

²⁶ Peter van Elsuwege, "Russian-Speaking Minorities in Estonia and Latvia: Problems of Integration at the Threshold of the European Union," *ECMI Working Paper Series* 10, no. 20 (2004): 1-68.

economic status.²⁷ Out of necessity, and to address this labeled shortcoming, Latvia re-evaluated previous citizenship and labor policies, reconstructing them to reach the EU's standards, additionally addressing the future of the community and considering ways to further integrate them in Latvia. Latvia provided non-citizens with a special status in the country and corresponding rights.²⁸

However, to obtain all the rights of an EU citizen, it was necessary for non-citizens to acquire Latvian citizenship—their stateless passports did not suffice in this regard. As a result, a high number of non-citizens underwent the process of naturalization shortly before and after Latvia joined the EU, because they recognized there were significant benefits that came with this supranational citizenship. This is demonstrated through the decreasing number of non-citizens in Latvia. In early 2003, before Latvia joined the EU, there were roughly 500,000 in Latvia, who made up almost 22 percent of the nation's population. The figure then decreased to 18 percent by 2006, with less than 420,000 of Latvian residents classified as stateless. To this day, there are less than 220,000 non-citizens in Latvia, which has a total population of approximately 1.8 million residents. Non-citizens currently comprise roughly 10 percent of the nation's total population.²⁹

²⁷ This community still occupies the lowest socio-economic status in Latvia. Areas with a high ethnic Russian population, such as the Latgale region, are the poorest in the nation.

²⁸ United Nations High Commissioner for Refugees, "Resolution RESCMN(2002)8 on the Implementation of the Framework Convention for the Protection of National Minorities by Estonia," Refworld, Council of Europe: Committee of Ministers, June 13, 2002. <https://www.refworld.org/docid/51de6daf4.html>; Richard Mole, "State- and Nation-Building: the Politics of Identity," in *The Baltic States from the Soviet Union to the European Union: Identity, discourse and power in the post-communist transition of Estonia, Latvia and Lithuania*. Routledge, 2012. 1-39.

²⁹ "Latvia - Population: Demographic Situation, Languages and Religions," European Commission, 2020, https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-40_en. "Distribution of Latvian population by nationality," Office of Citizenship and Migration Affairs, 2020, https://www.pmlp.gov.lv/lv/assets/ISVP_Latvija_pec_VPD_2020.pdf.

The benefits associated with Latvia's EU membership therefore appear to have had a positive effect on the nation's Russian community, giving a larger portion of them a further reason to obtain Latvian citizenship, since now the doors to the rest of Europe were being opened. In this sense, the EU accomplished its goals and notably pushed Latvian politics further to the left, affecting national policy on economic and social levels. This push prevented Latvia from continuing to block out its Russian minority population from public discourse, and it also gave many in the community a needed encouragement to naturalize.³⁰

In opting into and agreeing to these standards, Latvia accepted, and additionally promoted, even if not openly or directly, the existence of a Europeanized social policy. Though the government opted into the European social policy, this does not necessarily mean the nation's citizens themselves developed a European identity as a result. In fact, many Latvians lacked a clear attachment to the EU, or faith in its institutions, in the early- to mid-2000s. They were likely wary of becoming incorporated into any union-like institution and losing out on national sovereignty after only just recently reclaiming it. This resulted in an initial lackluster ability for the EU to cultivate a European identity in the nation, as the next section will detail.³¹

Nonetheless, two-thirds of the nation's population voted to join the EU in 2003 and the Latvian government successfully moved forward with its application. In 2004, along with its two Baltic neighbors, Latvia joined the EU, signaling an important moment in its transition from Eastern to Western society. In becoming a member state and in re-assessing its national policies, Latvia did make a trade-off: in order to join the EU and integrate into an economic union that would spur development and provide the nation with newfound opportunities, it placed European

³⁰ Edgars Eihmanis, "Latvia and the European Union," in *Oxford Research Encyclopedia of Politics*. 2019.

³¹ European Commission, "Standard Eurobarometer 62: Autumn 2004," European Union, May 2005, https://ec.europa.eu/comfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf

values and standards above its own national ones at a crucial moment in the country's development. To this day, however, as the article will later analyze, a larger portion of Latvian citizens still lack certain EU values and principles, believing that EU Member States are not close to each other in terms of shared values, and that Latvians' voices do not count in the EU.

4. 2004 to 2019: 15 Years of EU Identity in Latvia

Latvia's accession to the EU did not initially result in the strong creation of an EU citizen identity. In the early years of membership, Latvians lacked a clear connection to the union, and they also did not possess a feeling of "Europeanness," especially within the ethnic Russian population, even though the EU had previously advocated for this community.³² Other EU member states likely still considered the country "Eastern" because of its status as a former Soviet republic and geographic proximity to Russia, which ethnic Latvians strongly disliked, owing to the label's association with Russia.³³ This furthered their lack of connection with other EU member states and the EU as a whole in the early years, leading Latvians to side overwhelmingly with their national identity over a European one.

Half of Latvians in 2004, according to the first Eurobarometer report for which Latvia was an EU member, identified themselves only by their nationality, rather than as both their national identity and a European one. Only 29 percent of Latvians in 2004 claimed they had a social attachment to the EU flag, as well, which was 21 percentage points behind the national average. To Latvians back then, their language, culture, and history defined their national

³² Latvia's predominantly ethnic Russian city, Daugavpils, was the only city in Latvia to overwhelmingly oppose joining the EU in 2003. This community viewed the EU as a tool to "Westernize" Latvia, which to them likely meant further shedding the country of its Russian past, even though this was far from the truth, since the EU was the factor that drove Latvia to rethink and revisit its post-Soviet policies, with which many from the ethnic Russian community struggled.

³³ All Baltic nations prefer the term "Northern" when describing their geography. This label does not attach them to Russia.

identity—European social integration had yet to really take hold. Considering this, it is no surprise that 84 percent of Latvians in 2004 claimed to be proud of their national identity, whereas only 51 percent of Latvians claimed to be proud to be European: 17 percentage points lower than the EU average at the time.³⁴

This was the second lowest response rate among all member states at the time, as well, and it was only one point ahead of the UK, for which 50 percent of the nation’s citizens claimed to be proud to be European. In 2004, Latvia also lagged behind the regional average of most other member states on perceived importance of European institutions, such as the European Parliament or the European Commission, and whether or not these institutions delivered meaningful change. And when hypothetically asked whether its citizens would be sad if the EU were immediately disbanded and annulled, the majority of Latvians claimed they would be indifferent, with even 11 percent of the nation’s respondents stating they would be relieved.³⁵

Table Two: Percentage of Latvians Believing their Voice Counts in the EU (Source: Eurobarometer Reports from 2005 to 2019)

<i>Statement: My Voice <u>Counts</u> in the EU</i>								
	<u>2004</u>	<u>2007</u>	<u>2009</u>	<u>2011</u>	<u>2013</u>	<u>2015</u>	<u>2017</u>	<u>2019</u>
Latvians in Agreement	17%	18%	14%	10%	17%	23%	20%	30%
EU Average	39%	35%	38%	30%	28%	42%	44%	56%

³⁴ European Commission, “Standard Eurobarometer 62: Autumn 2004,” European Union, May 2005, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf.

³⁵ European Commission, “Standard Eurobarometer 62: Autumn 2004,” European Union, May 2005, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf.

Latvia's Rank among EU Nations	24 / 25	26 / 27	27 / 27	27 / 27	26 / 27 *	26 / 28	28 / 28*	28 / 28*
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* In 2013, Latvia tied with Italy. In 2017 and 2019, Latvia tied for last place along with Estonia and Greece.

Latvians have also struggled over the years with believing that their voice has an impact in the EU. Only 30 percent of Latvians in 2019 believed that their voice mattered in the EU. Though this is nearly double the figure of what Latvians felt in 2004, it was still the lowest among all member states.³⁶ One of the smallest nations in the EU, Latvians likely associate population size with voice strength, and since Latvia has less than two million residents and is geographically on the outskirts of traditional EU territory—its citizens lack faith that their voices and their worries are truly heard. The nation has consistently lagged behind the EU average in this regard. Because of this, it is no surprise that Latvians also lack a shared value system with the rest of the EU. As of 2019, only 32 percent of Latvians (the lowest among all member states) believed that the EU nations are close to each other in terms of shared values, showcasing the gap that exists between Latvia’s and the EU’s democratic principles. Latvians are historically anti-immigration and do not align with the EU on social issues, such as LGBT rights, as well, and the nation has been cited before as being one of the worst European countries for individuals of the LGBT community.³⁷ In fact, 74 percent of Latvians view immigration from non-EU member states as a negative thing. Estonians possess the same amount of its citizens feeling this, placing these two Baltic nations in second-to-last place, with the Czech Republic ranking as last

³⁶ European Commission, “Eurobarometer Survey 91.5: The 2019 Post-Electoral Survey,” European Union, September 2019, <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2019/post-election-survey-2019-complete-results/report/en-post-election-survey-2019-report.pdf>.

³⁷ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

among all member states.³⁸ This causes another challenge in the country’s development of “becoming” or “being” European, since it cannot fully align its values cohesively with the EU’s—and possessing a similar value system is imperative to form a shared identity.

*Table Three: Latvia’s Perceived Benefits of EU Membership from 2004 to 2019 (Source: Eurobarometer Reports from 2005 - 2011, Post-Election Eurobarometer Reports of 2014 & 2019)*³⁹

<i>Statement: On balance, our country benefits from being a member of the EU</i>						
	<u>2004</u>	<u>2007</u>	<u>2009</u>	<u>2011</u>	<u>2014</u>	<u>2019</u>
Latvians in Agreement	51%	55%	38%	47%	-	71%
EU Average	53%	59%	56%	52%	-	68%
Latvia's Rank among EU Nations	15 / 25	18 / 27	25 / 27	21 / 27 *	-	19 / 28
<i>Statement: Generally-speaking, our membership in the EU is a “good thing”</i>						
	<u>2004</u>	<u>2007</u>	<u>2009</u>	<u>2011</u>	<u>2014</u>	<u>2019</u>
Latvians in Agreement	40%	37%	25%	25%	42%	55%
EU Average	56%	57%	53%	47%	51%	68%
Latvia's Rank among EU Nations	24 / 25	26 / 27 *	27 / 27	27 / 27	21 / 28	19 / 28

* In 2007, Latvia tied with Hungary; in 2011, the tie was with Greece.

³⁸ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

³⁹ These two questions were not included in the Eurobarometer reports after 2011. Different and more specific versions of the question were included, which asked about the benefits from certain actions and initiatives. These answers were then published in the reports.

Interestingly, Latvia has in the past had low rates of believing its EU membership is a actually good thing, despite having significant portions of the population recognizing that the country has, in fact, benefited from this very membership. It is also important to note that, in the first half of its membership, the belief that the EU is a good thing for Latvia decreased, indicating that Latvians were likely not content with how the first seven years played out. Shown in the table above, there was a significant disparity between believing membership is a good thing versus recognizing the benefits of that very membership. This is likely a result of the collateral effects that came with membership. On the surface, these two concepts would seem to be interconnected, but that was not the case in Latvia. That is, for Latvians, they can recognize that, yes, there are tangible benefits associated with EU membership: more professional and educational opportunities, an integrated economy, and easier travel that comes with the free movement.⁴⁰ In fact, 68 percent of Latvians in 2019 even listed the free movement of people, goods, and services as the most positive result of the EU.⁴¹ However, these benefits do not detract from the fact that EU membership, in a way, lowers Latvia's sovereignty. After five decades of Soviet occupation, Latvians were ready and eager to begin constructing a nation in the exact manner that they wanted. Though Latvia is largely free to make its own decisions, it is not entirely sovereign, as all member states are not, because it must adhere to certain standards and principles coming from the EU—standards that are social, economic, political, and judicial in nature. This was the initial trade-off it made in the early 2000s. In 2004, 11 percent of

⁴⁰ In Eurobarometer reports, Latvians consistently label professional and educational opportunities as one of the largest benefits of being part of the EU. Latvia does not have many of these opportunities within its nation, so a number of its citizens have left in recent years to seek out jobs and education elsewhere in Europe. This phenomenon is known as “brain drain.”

⁴¹ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

Latvians even cited the loss of cultural identity—as opposed to, for example, educational, economic, professional, or travel benefits—as the leading thing that the EU represents for them personally.⁴²

Because of this, there were, and likely still are, Latvian citizens who label certain effects of EU membership as negative, and therefore choose to view the membership itself as not a positive thing, even if they recognize that there are tangible benefits associated with it. In 2019, as reported in a post-election edition of the Eurobarometer, a little over half of respondents, 55 percent, claimed that EU membership is a good thing.⁴³ 24 percent of Latvians, nonetheless, claimed in 2019 that their nation would be better off to face the future outside of the EU.⁴⁴

This 55 percent figure—though low in percentage and thirteen points below the EU average—is a large increase from what the country said eight years prior, during which period only a quarter of Latvian citizens claimed membership was a good thing.⁴⁵ Although an increase, Latvia is again still lagging behind in regard to whether or not membership is a good thing when compared to its Baltic neighbors of Estonia and Lithuania. These two neighboring nations were both in the top three among all member states in believing the EU is a good thing for them. Lithuania was ranked number one, with 91 percent of its citizens citing EU membership as a “good thing;” Estonia ranked third, and it had 87 percent of its respondents feel this way.⁴⁶

⁴² European Commission, “Standard Eurobarometer 62: Autumn 2004,” European Union, May 2005, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf.

⁴³ European Commission, “Eurobarometer Survey 91.5: The 2019 Post-Electoral Survey,” European Union, September 2019, <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2019/post-election-survey-2019-complete-results/report/en-post-election-survey-2019-report.pdf>.

⁴⁴ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

⁴⁵ European Commission, “Standard Eurobarometer 75: Spring 2011,” European Union, August 2011, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb75/eb75_anx_full_fr.pdf.

⁴⁶ European Commission, “Eurobarometer Survey 91.5: The 2019 Post-Electoral Survey,” European Union, September 2019, <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2019/post-election-survey-2019-complete-results/report/en-post-election-survey-2019-report.pdf>.

As an important note, for unknown or unspecified reasons the answers to these two survey questions were not published in the Standard Eurobarometer reports, or their data annexes, after 2011. Instead, the survey posed similar questions to prospective member states, such as Turkey, Serbia, and so forth, and then published their responses in the standard report. 2014 and 2019 were the only years post-2011 that contained results related to this question, which were published in the post-EU elections special editions of the Eurobarometer. This is why Table Three's timeline varies from the others, and also why information from 2014 does not appear on the top-half of it.

Table Four: EU Citizenship in Latvia (Source: Eurobarometer Reports from 2005 to 2019)⁴⁷

<i>Statement: You feel you are a <u>citizen</u> of the EU</i>							
	<u>2004</u>	<u>2007</u>	<u>2011</u>	<u>2013</u>	<u>2015</u>	<u>2017</u>	<u>2019</u>
Latvians in Agreement	52%	52%	48%	56%	69%	74%	76%
EU Average	67%	53%	62%	62%	67%	68%	73%
Latvia's Rank among EU Nations	21 / 25	15 / 27	24 / 27	20 / 27	17 / 28	14 / 28	19 / 28

EU identity in Latvia has, however, been on the rise, despite these aforementioned factors. As the years have progressed, the popularity of the EU in Latvia has grown—and with it

⁴⁷ The 2009 Eurobarometer did not contain information related to this question; consequently, that year does not appear in this table.

grew an EU citizen identity. This growth has not been as large as other member states, such as its northern neighbor Estonia, which simultaneously joined the EU when Latvia did in 2004. But, its further integration with European identity is still steadily increasing. This means that Latvians' views of their voices not counting in the EU or that EU membership is not necessarily a good thing did not entirely dissuade or hamper their EU identity development. Demonstrated in the table above, connection to the EU and the feeling of European citizenship has grown over the past decade in Latvia. In 2004, 52 percent of Latvians claimed to be a citizen of the EU. This was 15 percentage points below the EU average, placing Latvia in the bottom four of all 25 member states at the time. It lacked a social place in the EU, with nearly half of its citizens not feeling an attachment to the union.⁴⁸ However, the EU citizen identity grew at a rapid rate from 2013 to 2019, during which it not only increased by 20 percentage points, but it also surpassed the EU average, thereby no longer placing the country behind the social average among member states.⁴⁹

15 years since the nation officially joined the EU, approximately 76 percent of residents associated themselves with being a citizen of the EU: three percentage points above the European average. One factor likely influencing this increase is that, after 15 years as a member state, there are individuals who grew up under the EU now being surveyed, and therefore were exposed to the EU in some way or another during their developmental and adolescent years. Having this exposure while developing their social opinions and perspectives, these younger individuals are the portion of the population who have really experienced the benefits of being in

⁴⁸ European Commission, "Standard Eurobarometer 62: Autumn 2004," European Union, May 2005, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf.

⁴⁹ European Commission, "Standard Eurobarometer 79: Spring 2013," European Union, July 2013, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/standard/yearFrom/1974/yearTo/2013/surveyKy/1120>; European Commission, "Standard Eurobarometer 91: Spring 2019," European Union, August 2019, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

the EU. From a number of educational opportunities, increased exposure to the English language, and a regionally connected economy, this subset of the population has significantly more access to society than its parents' generation—and this is something they likely realize. As such, it can be inferred that this younger population has stronger feelings of EU identity than those surveyed in years before, because the majority of this younger demographic's upbringing took place in an EU member state. In relation to this, Latvia in recent years ranks above other member states, which have historically had higher rates of belonging and been part of the EU longer; however, these nations, such as France and Italy, are experiencing the rise of populist parties in their countries, which are therefore affecting how citizens view and engage with the EU.⁵⁰

47 percent of Latvians trusted the EU in 2004, during which regional trust for the union and its institutions was at an even 50 percent average. 15 years later, 51 percent of Latvians claimed to trust the EU. Though this is only a four percent increase from 2004, it is noteworthy when compared to the EU average over the years. That is, in 2019, trust for the EU among all member states averaged out at 44 percent: six percentage points lower than it was in 2004.⁵¹ This decrease in trust reflects the growing populism in Europe, which has targeted the EU and its image among member states, claiming it strips nations of social and economic sovereignty. Nonetheless, while this decrease has manifested itself in other nations, Latvia has so far not fallen victim to it, instead growing its trust—albeit by only a few points—since the nation joined the EU.

⁵⁰ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

⁵¹ European Commission, “Standard Eurobarometer 62: Autumn 2004,” European Union, May 2005, https://ec.europa.eu/comfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf; European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

Table Five: Latvians' Attachment to the EU Flag (Source: Eurobarometer Reports from 2005 to 2017)⁵²

<i>Statement: You identify with the EU flag</i>					
	<u>2004</u>	<u>2007</u>	<u>2012</u>	<u>2015</u>	<u>2017</u>
Latvians in Agreement	29%	27%	42%	41%	44%
EU Average	50%	54%	53%	53%	56%
Latvia's Rank among EU Nations	25 / 25 *	26 / 27	20 / 27 *	25 / 28	19 / 28

* In 2004, Latvia tied for last place with the Netherlands. In 2012, Latvia tied for 20th place with France.

More and more Latvians identified with the EU's flag in 2017 compared to when the country joined in 2004. Flags play an important role in forming identity and developing a personal attachment to an institution, such as the EU, through which citizens can share a common pride and social connection.⁵³ In 2004, only 29 percent of respondents in the Eurobarometer report indicated that they identified with the EU flag. This figure was 21 percentage points below the EU average and placed Latvia with the lowest level of attachment to the flag: a position for which it tied with the Netherlands. Three years later, 2007 saw an even lower level of attachment to the flag in Latvia, 27 percent, even though the EU average had risen

⁵² This table, similar to Table Three, does not follow the two-year structure because information about citizens' attachments to the EU flag was not included in several of the Eurobarometer reports. The Eurobarometer does not always ask the same survey questions each year and in each seasonal edition. Information after 2017 for feelings of identifying with the EU flag also could not be found, which is why the table does not include information from 2019.

⁵³ Brent Nelsen and James Guth, "Religion and the Creation of European Identity: The Message of the Flags," *The Review of Faith & International Affairs* 14, no. 1 (2016): 80-88.

by four percentage points since 2004. However, the country's identification with the flag began to grow around the same time that the EU citizen identity also started to increase. In 2012, 42 percent of respondents cited an attachment to the flag, ranking Latvia 20th out of the 27 member states, and only 11 percentage points behind the EU average. Five years later, in 2017, 44 percent of Latvians claimed an attachment to the flag.

When considering this, citizenship and attachment to the flag appear to develop symbiotically, but at differing quantitative levels.⁵⁴ As Latvians develop an EU identity, they also cultivate feelings of attachment to the flag, since it acts as a tangible representation of the greater European region.

Table Six: Overview of How Latvians Describe their Identity (Source: Standard Eurobarometer Report, Spring 2019)

Self-Described Levels of Europeanness in 2019		
<i>Do you see yourself as...</i>	Latvian Average	EU Average
Total "European"	60%	65%
Total "more national than European"	87%	88%
Total "more European than national"	12%	10%
Nationality Only	39%	33%

⁵⁴ European Commission, "Standard Eurobarometer 62: Autumn 2004," European Union, May 2005, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb62/eb_62_en.pdf; European Commission, "Standard Eurobarometer 67: Spring 2007," European Union, November 2007, https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb67/eb67_en.pdf; European Commission, "Standard Eurobarometer 78: Spring 2012," European Union, 2012, <https://lawsdocbox.com/Immigration/74338008-European-citizenship.html>; European Commission, "Standard Eurobarometer 87: Spring 2017," European Union, August 2017, <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/standard/yearFrom/1974/yearTo/2017/surveyKy/2142>.

Nationality and then European	48%	55%
European and then Nationality	10%	8%
Only European	2%	2%

In the EU, there are four main frames for deciphering the structure of one's identity. These include: 1) Nationality only, such as one being solely Latvian; 2) National and regional, such as Latvian citizens who describe themselves secondly as Europeans; 3) Regional and then national, such as a European who identifies secondly as Latvian; or 4) Solely regional, an individual who defines himself as only European—with no national identity connected. While 76 percent of Latvians consider themselves citizens of the EU in 2019, only 60 percent of Latvians actually described themselves as “total” Europeans—five points behind the EU average. 87 percent of the nation's citizens also claim to be more Latvian than European, a figure that aligns with their strong national pride, and then 48 percent identify with their national identity first and their European one second. Approximately 39 percent of Latvians, on the other hand, only identify themselves based on their nationality, excluding European from their self-description. This is six percentage points above the EU average. So, though three-quarters of Latvians will say they are EU citizens, this does not entirely mean they view themselves as citizens on a social level.⁵⁵ Instead, they likely view themselves as citizens on a practical level: possessing an EU passport, having economic access to other member states, being allowed to travel freely, and so forth.

⁵⁵ European Commission, “Standard Eurobarometer 91: Spring 2019,” European Union, August 2019, <https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

Conclusion: EU Identity in Latvia

Overall, this analysis indicates that the EU citizen identity is growing in Latvia. But, as the constructivist framework maintains, this continual growth is not guaranteed—identity levels increase and decrease naturally. As has been shown in member states all around the EU, a myriad of social, political, and economic factors can also reduce support for and attachment to the union. This has been the case in France, Italy, Poland, and Hungary, for example. To further legitimize itself internationally and reduce the rate at which Euroscepticism grows, it is necessary that the EU maintains a collective identity throughout its member states, which transcends ethnic, linguistic, and cultural lines, bringing all citizens together under the umbrella of “European” and allowing for mechanisms of integration, as neo-functionalism posits, to spill over and help spur further integration from country to country. In doing this, the EU establishes itself as both an economic and a social union, and additionally provides itself with a deeper layer of legitimacy and soft power in the global community. In Latvia, it will be important for EU institutions to capitalize on the momentum of this current identity development and initiate programs that could garner more connection to the union on a citizenship or social level, therefore cementing this Baltic nation as “European” and giving it a socially grounded position in the EU.

Latvia is an interesting case to analyze in the EU—for economic, social, and political reasons. This essay focused on the social and historical side of Latvia’s role in the EU, and specifically on citizen identity formation, demonstrating that though Latvia struggled with sharing in the feeling of being an EU citizen in the first half of its membership, the nation’s citizens warmed up to the EU and its institutions over the years, with over three-quarters of Latvians in 2019 claiming they identify as citizens of the EU and 60 percent identifying as

“total” Europeans. This development and these figures are important to recognize because they signal that though Latvians have a strong sense of national pride and attachment to their country, they are still able to share in the feeling of being European, as well, structuring their identity on some level through a national and regional basis. Although the Latvian identity takes priority for the nation’s citizens, and likely always will, European integration has generated notable success in Latvia, since a fair share of its citizens currently incorporate European into their own identity description.

The continuance of this identification is not guaranteed, however, because the EU’s current political environment has demonstrated how populist parties can manipulate public attitudes toward the EU through hyperbolic political-messaging tactics that label the union as a sovereignty-stripping institution. From the UK to France to Hungary, Euroscepticism is on the rise in a number of member states, along with democratic backsliding, and this rise threatens the very regional identity on which the EU has worked for so many years. As nations drift from the EU’s principles and values, so do their citizens’ social attachment to the EU as an institution.

As one of the smallest EU nations, Latvia has only eight Members of the European Parliament (MEP), who represent Latvians’ interests on a regional scale.⁵⁶ Latvians also have very low confidence levels in the EU: as of 2019, only 34 percent of Latvians believed their country’s interests are well considered in the EU, which was the second lowest figure among all member states. Because of this, it is important for Latvia to acquire greater levels of unofficial soft power in the EU to position itself as an important voice to be heard. If Latvians developed an even larger sense of Europeanness—a cultural one, that is—in their nation, then it is likely

⁵⁶ Three out of the eight MEPs are from two pro-Russian parties: Harmony and the Russian Union of Latvia. These parties are dividing forces in Latvian society, which capitalize off of the anxieties the ethnic Russian minority faces, as a means to garner political support and instill ethnic divisions in the nation’s political environment.

that both their own views of individual voice power will improve and that the actual effect of these voices on a regional, European level will grow stronger, too. This is because countries with populations that are overwhelmingly “European” by citizen identification, such as in Luxembourg, Germany, or Spain, gain more public attention on those European matters they define as important since, after all, these countries are largely viewed as socially European themselves.

With this in mind, Latvia has a unique opportunity in the years to come. As other larger nations continue to grow more Eurosceptic and lose out on regional soft power, and as the EU fills the void left behind after Brexit, Latvia can further its own position in the EU. Though a small nation, Latvia could surpass others in its image of “Europeanness” if the nation’s citizens continue to develop a supranational identity, raising it in the social ranks to a level where its MEPs, citizens, and national concerns are given a larger platform on which to be heard.

As a former Soviet republic, Latvia’s continued development of an EU citizen identity in its national borders also solidifies its shift from Eastern to Western society, and consequently breaks the social connection it has historically had with Russia. In breaking this tie and garnering larger feelings of Europeanness, Latvia would signal, on a symbolic level, that it has grown even more “Western” than a number of nations that are actually located in Western Europe, ironically, which have even previously labeled Latvia as part of the East.

On balance, Latvia can be considered a success story for European integration. However, as highlighted, its recent success must not be mistaken for guaranteed future success. As a result, tools of identity-building must continue to be strengthened in the nation, so that its development can capitalize on the current momentum and the forthcoming opportunities for the country in the

EU. In doing this, Latvia will solidify itself as an important nation among the EU's 27 member states, thereby rendering it integrated on all levels: economically, politically, and socially.

The Issue of Kurdish Sovereignty: Why a Kurdish State Developed from the Kurdish Regional Government is Impossible

Jordan McConville*

Abstract: *Scattered across Northern Iraq, Turkey, Syria, and Iran, the Kurds are the largest nation with a unique language, culture, religion, and identity without a state. Totalling over 28 million people in the Middle East, their requests for independence have been denied since the early 1900s when they were part of the Ottoman Empire. Centered in Erbil, the Kurdish Regional Government (KRG) in Northern Iraq has made the most progress towards independence and acts with almost full autonomy in Iraq. In 2017, the KRG held an official independence referendum to open dialogue about the possibility of a Kurdish state. Taken as an attack on Iraqi sovereignty and condemned by all parties, including the U.S., this act was seen as a threat to internally divide and dissolve Iraq. This paper analyzes the limiting factors of the KRI gaining an independent state. I have concluded that despite the Kurds being deserving of sovereignty, the future of a Kurdish state is unlikely as long as the current political conditions persist. If the KRI were to leave Iraq, Iraq would likely lose territorial integrity, struggle financially without Kurdish oil money, and have administrative holes from Kurdish officials leaving Baghdad. The KRG's current state of fragility will be crippling if the KRG cannot develop its infrastructure and economy. Additionally, the political divide and nepotism in the KRI would cause the newly minted state to fail before establishment as the PUK and the KDP would be unable to collaborate on nation-building, in addition to being too corrupt to serve Kurdish citizens. With the combination of internal and external pressures on Kurdistan, a Kurdish state will only be a possibility if the new state is strong enough to sustain the regional pressures. Where the KRG stands now, a Kurdish state would not be a stable addition to the Middle East.*

Keywords: *Kurdistan, Sovereignty, Independence Referendum, Iran, Kurdish Regional Government, Talabani, Barzani*

Introduction

Scattered across Northern Iraq, Turkey, Syria, and Iran is a group called the Kurds. They are the largest nation of people with a unique language, culture, religion, and identity without a state. There are approximately 15 million Kurds in Turkey, 6.5 million in Iran, 5 million in Iraq, and 2 million in Syria. These numbers are not insignificant but regardless of their presence in the Middle Eastern Region, their requests for independence have been denied since the early 1900s. Before World War I, the Kurds populated the Ottoman Empire. In 1920, when the Empire fell,

the Treaty of Sèvres made accommodations for an independent state. However, in 1923 the Treaty of Lausanne created the borders of modern Turkey, absorbing any territory that would have been delegated to the Kurdish state. In the past century, the region (Turkey, Iraq, Iran, and Syria) has been accused of trying to “suppress the Kurds’ culture and restrict the use of the Kurdish Language,” thus rejuvenating the Kurdish desire for their own state.¹

The Kurdish region that has made the most progress towards independence is in Northern Iraq. Centered in Erbil, the Kurdish Regional Government (KRG) acts with almost full autonomy under the Iraqi government operating out of Baghdad. In 2014, the KRG took control of the oil-rich city of Kirkuk in Northern Iraq that provided the KRG its economic baseline.² Since the overthrow of Hussein, the Kurds have worked diligently to maintain control of their territory.³ In many ways, the KRG maintains the symbolism of an independent state: they have a Kurdish national flag, national anthem, the KRG controlled Peshmerga forces, an international airport into the Kurdish region, an independent education system, and a Kurdish passport stamp.⁴

In 2017, the KRG enacted an official independence referendum with the intention of opening dialogue between Erbil and Baghdad about the possibility of a modern Kurdish State. This act was taken as an attack on Iraqi sovereignty and condemned by all parties, including the United States, for its rash action and implied threat to Iraq. The main concern was that it would

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¹ “Why Kurds are losing hope of having their own state,” *The Economist*, (2021), <https://www.economist.com/the-economist-explains/2021/04/13/why-kurds-are-losing-hope-of-having-their-own-state>.

² Ömer Taşpınar, “ISIS and the false dawn of Kurdish statehood,” *Brookings*, (December 2019), <http://www.brookings.edu/blog/order-from-chaos/2019/12/13/isis-and-the-false-dawn-of-kurdish-statehood/>.

³ Alireza Nader, Larry Hanauer, Brenna Allen, and Ali G. Scotten, “Regional Implications of an Independent Kurdistan,” *RAND Corporation*, (2016), <https://apps.dtic.mil/sti/pdfs/AD1021550.pdf>.

⁴ Michael Gunter, “Unrecognized De Facto States in World Politics: The Kurds,” *The Brown Journal of World Affairs* 20 (2): 161-178, (2014), <https://www.jstor.org/stable/pdf/24590980.pdf>.

internally divide and dissolve Iraq into a fragmented state. In response to the referendum, President Barack Obama said that the US is “committed to the united, federal, and democratic Iraq.”⁵ In the Middle East, the referendum was seen “as a challenge to Arab patrimony and [the consideration of] a federal state for the Iraqi Kurds within Iraq as a prelude to secession.”⁶ Iraq interpreted the referendum as a declaration of independence and responded by blocking the airspace above Iraqi Kurdistan, as well as capturing one third of the Kurds’ territory, including Kirkuk.⁷

My aim for this paper is to enumerate the limiting factors to the KRG’s plan to achieve a sovereign state. The Kurds have been subjected to oppression and genocide since the Ottoman Empire ended and are deserving of their own state where they can live without fear of persecution. However, as Iraq is dependent on the KRG for oil revenue and for the minimal political support that the Kurds provide, the international community would not support their succession from Iraq. The possibility of negative repercussions that would affect the region's stability is too great a risk.

Additionally, within the KRG the two dominant political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) are wrought with corruption, nepotism, and permeating animosity and distrust between the platforms. The KRG is therefore an unstable governing authority and incapable of managing a sovereign state. If the Iraqi Kurds were to form a state, it would not include the Kurds in Turkey, Syria or Iran. This transnational disunity has been cultivated through the KRG electing to move forward with independence that does not include other Kurdish parties, meanwhile forming alliances that

⁵ Yoosef Abbas Zadeh and Sherko Kirmanj, “The Para-Diplomacy of the Kurdistan Region in Iraq and the Kurdish Statehood Enterprise,” *Middle East Journal* 71 (4): 587-606, (2017), <http://www.jstor.org/stable/pdf/90016497.pdf>.

⁶ Gunter, “Unrecognized De Facto States in World Politics: The Kurds,” 161-178.

⁷ *The Economist*, “Why Kurds.”

actively damage other Kurdish actors. The KRG would need the support of the majority Kurdish population in the Middle East to succeed with its sovereign ambitions; however, this is support that the KRG does not have. Without this support, the KRG is susceptible to manipulation from external actors which would only increase if a new state was created and in need of support.

For these reasons, I argue against the creation of an independent Kurdistan, at this time, formed from what is now the Kurdish Region of Iraq and led by the Kurdish Regional Government. Through the study of the Kurdish struggle and the failing factors of the Iraqi Kurds separatist movement, other separatist nations can be evaluated and potentially avoid the obstacles that the KRG faces. Middle Eastern politics permeate all international politics and it is in the favor of all to maintain a stable region as much as possible. Although the historical implications in the Kurdish issue are great, the future of sovereignty is in the Kurds hands, and can be achieved if fundamental changes are made to the Iraqi Kurdish independence movement.

History of the Kurdish Struggle

Turkish Kurds

Before analysis of the current Kurdish political field can be done, the history of the Kurds across Turkey, Iraq, Syria, and Iran must be taken into consideration for why the Kurds are entitled to their own state. Turkey has been a flagrant oppressor of the Kurdish people from the 20th century into the 21st. What has been referred to as the “Kurdish Problem” is the presence of a Kurdish population in Turkey, despite Turkish officials denying recognition and liberties to the Kurdish people.⁸ With the establishment of the Turkish State in the early 1920s, the government refused to acknowledge the existence of the Kurdish nation within its borders. The official policy

⁸ Baris Ünlü, “The Kurdish Struggle and the Crisis of the Turkishness Contract,” *Philosophy and Social Criticism*, 397–405, (2016), <https://journals.sagepub.com/doi/pdf/10.1177/0191453715625715>.

was “to downplay the existence of the Kurdish people” by assimilating all Kurds into a Turkish mold. The Turks persisted in the idea that the Turkish Kurds were descendants of a pure Turkish race and were ethnically “Mountain Turks.”⁹ During the 1920s Kurdish Uprising, Turkish Lieutenant Ismet Ionu, reiterated Turkey’s oppressive policies saying, “Only the Turkish nation is entitled to claim ethnic and national rights in this country. No other element has any such right.”¹⁰

The “Turkishness Contract” emerged during 1924-1925 as an amendment to the Post-Ottoman Empire “Muslimness Contract,” which posited that any person had to be Muslim to have rights in Turkey. The contract was modified to require all Muslims in Turkey to “be Turkish or become Turkish in order to enjoy the privileges of the contract,” and to ban the act of “produc[ing] knowledge or to pursue politics with regard to the Kurds who resisted the process of Turkification.”¹¹ The “Turkishness Contract” specifically targeted the ethnic Kurdish minority with the intent to oppress the group until the “Kurdish Problem” was solved.

Over the next six decades, Turkey would ban the Kurdish language and prevent Kurds from assembling in an attempt to restrict the Kurdish desire for autonomy.¹² It was not until 1970 when the Turkish Workers Party (TWP), a leftist Turkish political party, stated that “there is a Kurdish people in the East of Turkey” that the Kurds were ever officially recognized as an ethnicity in Turkey.¹³ With the “Kurdish Problem” of Kurdish nationalism increasing during the 1960s, Prime Minister of Turkey Nihat Erim announced in 1971 that “Kurdish Nationalism has joined left and right political extremism to threaten Turkey’s government,” thus villainizing all

⁹ Michael M Gunter, “The Kurdish Problem in Turkey,” *Middle East Journal* 42, no. 3 (July 1, 1988), 389–406, <https://search.ebscohost.com/login.aspx?direct=true&db=edsjsr&AN=edsjsr.4327776&site=eds-live&scope=site>.

¹⁰ Gunter, “The Kurdish Problem in Turkey,” 389–406.

¹¹ Ünlü, “The Kurdish Struggle and the Crisis of the Turkishness Contract,” 397–405.

¹² *Ibid.*

¹³ Gunter, “The Kurdish Problem in Turkey,” 389–406.

Turkish Kurds.¹⁴ All Kurdish activists were labeled “alleged terrorists” and were subject to spontaneous arrests and inhumane detainment. Amnesty International concluded that during this time, those apprehended were “subjected to torture and, in some cases, the ordeal ends in death.”¹⁵

As a response to this oppression, the Kurdish Workers Party, or the PKK, emerged in the 1970s and 1980s with the goal of establishing greater Kurdistan with all Kurds over Turkey, Iraq, Syria, and Iran.¹⁶ The radical PKK used violent tactics against the Turkish government, much to the resentment of the majority of Turkish Kurds who viewed the party as “brutal, reckless, and irresponsible.”¹⁷ Largely considered a guerilla group and currently on the United States current list of known terrorist groups, the PKK would form armed gangs, use crime to finance the organization, and take over territory in Southeastern Turkey through militant force.¹⁸ On the Turkish-Iraqi border, PKK militants would try to “foment Kurdish nationalism. They stole money, food, and other supplies and attacked Turkish trucks.”¹⁹ In 1981, Turkey imprisoned 2,000 PKK members in a military crackdown. Subsequently, in August of 1986 and March 1987, Turkey formally struck against the PKK after observing 12,000 PKK guerilla fighters assembled on the Turkish-Iraqi border. These strikes started the ongoing war between the Turks and the PKK which is still present today in Turkey, Iraq, Syria, and Iran.²⁰

Iraqi Kurds

¹⁴ Gunter, “The Kurdish Problem in Turkey,” 389–406.

¹⁵ Ibid.

¹⁶ Ünlü, “The Kurdish Struggle and the Crisis of the Turkishness Contract,” 397–405.

¹⁷ Gunter, “The Kurdish Problem in Turkey,” 389–406.

¹⁸ Mehmet Alaca and Bilgay Duman, “Turkey and the Kurdish Factor in the Middle East,” *GMFUS*, The German Marshall Fund of The United States, 13 May 2021, <https://www.gmfus.org/news/turkey-and-kurdish-factor-middle-east>.

¹⁹ Gunter, “The Kurdish Problem in Turkey,” 389–406.

²⁰ Ibid.

Saddam Hussein's leadership of Iraq, beginning in the 1960s, mandated the process of "Arabisation." Similar to the "Turkishness Contract," "Arabisation" was the process of minimizing the Kurdish presence in Iraq through the means of "systematic eviction and mass deportation."²¹ Hussein's oppressive policies increased, culminating in the Anfal and Halafal Military Operations in 1988. Anfal and Halafal have been formally recognized by the Iraqi government as a genocide against the Iraqi Kurds.

The Anfal Campaign began in February of 1988 as ordered by Iraq's Ba'ath Arab Socialist Party.²² The military campaign "intensified over a six-month period, against the mostly Kurdish civilian population, with the principle aim of exterminating Iraqi Kurds."²³ With the secondary purpose of the Iraqi government taking control of the oil fields in Northern Iraq, Iraqi Kurds were forcefully removed from their villages after the government deemed the already settled communities as "prohibited zones," to justify the arrests of Kurds. The affected Kurds were moved to the southern region of Iraq to be under surveillance by the Iraqi Army, where they had little access to food and other basic necessities. Many died within the year after they were detained due to mistreatment.²⁴

Mass disappearances were also ordered under the Anfal Campaign involving the seizing of Kurdish men, women, and children who would then be taken to "clandestine areas never to be seen again."²⁵ The men of military age were "generally executed in cold blood and buried in mass graves." In 1988 alone, an approximate 182,000 Kurds disappeared and 90 percent or

²¹ "The Kurdish Genocide: Achieving Justice through EU Recognition," European Parliament Meeting Documents, (2014), https://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-iq/dv/03_kurdishgenocidesofanfalandhalabja_/03_kurdishgenocidesofanfalandhalabja_en.pdf.

²² "Anfal Campaign and Kurdish Genocide - Department of Information Technology, KRG," n.d. Kurdistan Regional Government, <https://us.gov.krd/en/issues/anfal-campaign-and-kurdish-genocide/>.

²³ "The Kurdish Genocide: Achieving Justice through EU Recognition."

²⁴ Ibid.

²⁵ Ibid.

approximately 2000 Kurdish villages and 20 small towns and cities were destroyed. Since the 1960s, the Kurdish Regional Government has calculated that an estimated one million Kurds disappeared as a result of Anfal.²⁶ The Iraqi Ministry of Human Rights estimates that there are approximately 400 mass graves on Iraqi soil from the Anfal Campaign.²⁷

In the town of Halabja in Iraqi Kurdistan, the Iraqi government carried out the “largest scale chemical attacks since World War I.” The mass gassings occurred in March of 1988, solely targeting civilians, with casualties approximately totaling 5000 and upwards of 7000 injured.²⁸ The weapons that were used had been banned by the UN Chemical Weapons Convention.²⁹ The Iraqi High Court ruled this as genocide, and sentenced Al-Majid, the military leader of the Anfal and Halabja Campaigns, to death for his administration of the chemical weapons and his commanding orders of genocide. The attacks on the Iraqi Kurds were carried out as part of Hussein’s Arabisation program “on account of their ethnic or collective identity, rather than their individual status;” with the sole purpose to eliminate the Iraqi Kurds.³⁰

Syrian Kurds

The Kurdish population in Syria began to increase around 1925 after the Sheik Said Rebellion, and although the question of Kurdish origination versus indigeneous status has been contested within the Kurdish population, Syrian Kurds have asserted that they possess an equal claim to Syrian land as the ethnic majority. In 1956, Nûredîn Zaza became the first president of the Kurdish political party in Syria. He united the party on the grounds of “preserv[ing] the identity of the Kurdish people, and to develop themselves in order to pave the way for their

²⁶ “Anfal Campaign and Kurdish Genocide - Department of Information Technology, KRG.”

²⁷ “The Kurdish Genocide: Achieving Justice through EU Recognition.”

²⁸ Ibid.

²⁹ “Article II – Definitions and Criteria | OPCW,” n.d. Organisation for the Prohibition of Chemical Weapons, <https://www.opcw.org/chemical-weapons-convention/articles/article-ii-definitions-and-criteria>.

³⁰ “The Kurdish Genocide: Achieving Justice through EU Recognition.”

national liberation within the framework of the Syrian State.”³¹ This action set the Kurdish nationalist movement in motion, gaining momentum in the 21st century after the increasing prominence of KRG success in Iraq and evolving nationalist political leaders, such as Meshal Tammo.³² At a conference in 2007, the moderate Kurdish political party, al-Parti, stated that the Kurdish cause in Syria “is founded on the existence of a Kurdish people living on their native land of Syria. The matter is therefore one of land and people.”³³ These movements evolved into a plea for Kurdish autonomy in Syria.

Founded by Tammo in 2005, The Kurdish Future Movement in Syria propelled the cry for autonomy forward during the Syrian Civil War in 2013 through 2015, when the Discourse of the Future Movement prepared to declare the northern region of Syria as the autonomous zone Syrian Kurdistan.³⁴ Led by the Democratic Union Party (PYD), or the Syrian branch of the PKK, the intention of the Kurds was to form a government that was “an experiment in multiethnic, gender-equal self-rule.”³⁵ Due in part to the connection to the PKK, the movement failed to establish credibility and full autonomy as a result of the resistant Assad regime, Turkish influence, and KRG dismissal. This intent for autonomy was seen as a threat to the Turkish border which would additionally aid the PKK and “resume an anti-Turkish insurgency if peace talks fail.”³⁶ KRG President Barzani even condemned the declaration as being “clearly an

³¹ Mohannad Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study,” *AlMuntaqa* 2, no. 1 (May 1, 2019), <https://www.jstor.org/stable/pdf/10.31430/almuntaqa.2.1.0045.pdf>.

³² Michael M Gunter “The Kurdish Spring,” *Third World Quarterly* 34, no. 3 (January 1, 2013), 441–57. doi:10.1080/01436597.2013.785339, <https://www.jstor.org/stable/pdf/42002134.pdf>.

³³ Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study.”

³⁴ *Ibid.*

³⁵ Jane Arraf, 2022, “Syria's Kurds Wanted Autonomy. They Got an Endless War,” *The New York Times*, <https://www.nytimes.com/2022/02/07/world/middleeast/syria-kurds.html>.

³⁶ Nader, Hanauer, Allen, and Scotten, “Regional Implications of an Independent Kurdistan.”

unilateral...act which disregards the other Kurdish parties,”³⁷ alluding to the deep Kurdish disunity which is preventing a Kurdish state.

Kurdish Syrian autonomy is an unlikely possibility as long as President Bashar al-Assad is in command and the various Kurdish political parties continue to disagree on a unified Kurdish goal in Syria. The Kurdish left and right leaning factions in Syria have politically split into separate parties approximately nineteen times between 1971 and 2011 and these “internal vertical and horizontal splits that have beset the Kurdish movement in Syria reflect its weakness.”³⁸ With the Kurdish movement in Syria being disjointed while facing political suppression by the Assad regime, who “angrily resists” a Kurdish region in Syria, the prospects for a Kurdish state with a foundation on Syrian soil is highly unlikely.³⁹ Therefore the oppression against Syrian Kurds has not been in the form of attempted erasure as with Turkish or Iraqi Kurds, but through the prohibition of the right to self-determination.

Iranian Kurds

The Iranian Kurdish movement differs from Turkey, Iraq, and Syria, by its lack of traction and desire for full autonomy. In Iran, the Kurds make up approximately 10 percent of the population. The majority of Iranian Kurds reside in the northeastern provinces of Kurdistan. The province is relatively subdued in the scope of Kurdish nationalism and is characterized by “unemployment, social problems, and drug abuse.”⁴⁰ The “smuggling economy” helps the border

³⁷ Gunter, “Unrecognized De Facto States in World Politics: The Kurds,” 161-178.

³⁸ Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study.”

³⁹ *The Economist*, “Why Kurds.”

⁴⁰ Ozan O Varol, “Alien Citizens: Kurds and Citizenship in the Turkish Constitution,” *Virginia Journal of International Law* 57, no. 3, (May 2018): 770–97,

<https://search.ebscohost.com/login.aspx?direct=true&db=asn&AN=131723925&site=eds-live&scope=site>.

towns to survive.⁴¹ The Iranian Kurds have participated in Kurdish nationalism since the Treaty of Lausanne, the most progress being the short-lived independent Republic of Mahabad in 1946, as declared by the Democratic Party of Iranian Kurdistan (PDKI). The Republic was the Iranian Kurds' attempt at an independent territory and was backed by the Soviet Union, but fell back under Iranian control less than a year after creation when Soviet troops withdrew.⁴² Since then, Iranian Kurdish movements have been described as maintaining a “relatively low profile.”⁴³

The Iranian government has been against an independent Kurdish region within its borders. Although some scholars claim that “Kurdish language and cultural rights...are protected...and Kurds have not been subjected to assimilationist programmes as in Turkey, nor long-running military campaigns as in Iraq,” the majority opinion is that Iran has taken measures to politically and economically discriminate against Iranian Kurds.⁴⁴ Iran’s primary means have been limiting the use of the Kurdish language in schools and government services by declaring Persian the national language, and as recently as 2019, “contin[uing] to use the law to arrest and prosecute Kurds for exercising their rights to freedom of expression and association.”⁴⁵ Additionally, Iranian Kurds have reported bureaucratic obstacles on account of their minority ethnicity, such as restricted access to business licenses, economic support, university admissions, or job opportunities.⁴⁶ The unemployment rate among Iranian Kurds is 16.3 percent, the highest

⁴¹ Filip Sommer, “Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue,” Edited by Libor Jelen, Ph.D. Charles University, (2021), <https://dspace.cuni.cz/bitstream/handle/20.500.11956/124477/120380052.pdf?sequence=1>.

⁴² Garrett Nada, and Caitlin Crahan, “Iran's Troubled Provinces: Kurdistan,” *The Iran Primer*, (2020), <https://iranprimer.usip.org/blog/2020/sep/08/iran%E2%80%99s-troubled-provinces-kurdistan>.

⁴³ Varol, “Alien Citizens: Kurds and Citizenship in the Turkish Constitution,” 770–97.

⁴⁴ *Ibid.*

⁴⁵ Nada and Crahan, “Iran's Troubled Provinces: Kurdistan.”

⁴⁶ *Ibid.*

in Iran. As a result of this, many Kurds have turned to smuggling goods such as tea, tobacco, or fuel.⁴⁷

Iranian Kurds suffer primarily from systemic discrimination that prevent them from realizing self-determination. Tehran has taken actions against Kurdish political movements with the intent only to subdue them, with the motivation to “maintain stability and enhance national cohesion.”⁴⁸ Kurds see these actions as repressive and unite more so with Kurdish transnationalism, specifically forming ties with the KRG. Modern Iranian Kurds have had to fight for their domestic rights as equal citizens of Iran and have therefore “mobilized to a lesser degree and have been less successful in establishing an international profile.”⁴⁹ Despite this, Iranian Kurds have formed resistance movements against Tehran, the capital of the Iranian Central Government, the first of which being the Democratic Party of Iranian Kurdistan (PDKI) formed in 1945 and the most modern being the PKK-affiliate Kurdistan Free Life Party (PJAK), formed in 2004. Both the PDKI and PJAK are now banned in Iran.

Iranian Kurds have worked with the KRG to gain a political footing in Iran, as well as supporting the KRG independence referendum in 2017. After the PDKI was banned, the KRG allowed the group to use northern Iraq as a base of operations. The PDKI returned the favor by voicing their support for an independent Kurdistan led by the KRG as, “thousands of Iranian Kurds took to the streets of Baneh, Saghez and Sanandaj in Kurdistan province to support the

⁴⁷ Christine Caldera, “Kurds in Iran: Current Conditions and Future Prospects,” Institute for the Study of Human Rights, (2020), <http://www.humanrightscolumbia.org/publications/kurds-iran-current-conditions-and-future-prospects>.

⁴⁸ Varol, “Alien Citizens: Kurds and Citizenship in the Turkish Constitution,” 770–97.

⁴⁹ Varol, “Alien Citizens: Kurds and Citizenship in the Turkish Constitution,” 770–97.

KRG move.”⁵⁰ This show from the Iranian Kurds was a tribute to the Kurdish transnationalism that ties all Middle Eastern Kurds together, despite political differences.

Transnationalism and Kurdistan

The Kurdish struggle is definitively pronounced. Their exclusion from the Treaty of Lausanne and the abject attacks on their human rights as an ethnic minority have established a strong claim for the Kurdish desire for an independent state. The collective wound of Kurds across Turkey, Iraq, Syria, and Iran, unite the population under the umbrella of transnationalism, defined as, “the diffusion and extension of social, political, economic processes in between and beyond the sovereign jurisdictional boundaries of nation-states.”⁵¹ To be Kurdish is to be a part of the cultural identity associated with the language, traditions, and history of Kurds across state lines, including the experiences of the oppression that all Kurds have endured. As the Discourse for Movement Syrian Kurdish party said in 2012, “the Kurdish people in Syria are an extension of the people of Kurdistan, and their land is a region of Kurdistan.”⁵² The Kurdish populations of the Middle East are inherently connected and tethered to the unrealized territory of Kurdistan.

This is the diaspora of the Kurds, “now used to describe a people who have been dispersed from their original homeland, have a strong ethnic identity and wish to return to their homeland,” a homeland that they were denied after WWI, and have since been forcibly prohibited from establishing.⁵³ In Syria, the northern Kurdish region is called *Rojava* meaning “west,” which is an allusion to the “western Kurdistan and a longstanding but seemingly unattainable dream of an independent state that would stretch over the Kurdish areas of Syria,

⁵⁰ Nada and Crahan, “Iran's Troubled Provinces: Kurdistan,”.

⁵¹ Bradley W Williams, “Transnationalism – GLOBAL SOCIAL THEORY,” Global Social Theory, (2022), <https://globalsocialtheory.org/concepts/transnationalism/>.

⁵² Mohannad Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study,”.

⁵³ Andy Curtis, “Nationalism in the Diaspora: A Study of the Kurdish Movement,” Universiteit Utrecht, (February 2005), 2-9, <https://tamilnation.org/selfdetermination/nation/kurdish-diaspora.pdf>.

Iraq, Iran and Turkey.”⁵⁴ During the Kurdish split for Turkish leftist parties during the 1970s, “Kurdish socialists began to argue that Kurdistan was an international colony, divided and shared by Turkey, Iran, Iraq and Syria” and that an “national liberation war on the part of Kurds inevitable,”⁵⁵ this mantle of which is being carried by the PKK. In Iraq, President Masoud Barzani said in 2017, “Kurdish independence is not a new topic. Self-determination is the natural right of every nation and country. The Kurdish nation has this right like every other nation in the world.”⁵⁶

As President Barzani attested, self-determination is a human right and has been referred to as the “first right” and “where self-determination is achieved, human rights can begin,” says former US Ambassador to the UN Barabara White.⁵⁷ Even without acknowledgement of the atrocities committed against the Kurdish nation, the right to self-determination is possessed by the Kurds and should not be denied to them on the basis of international actors’ self-interests. The transnationalism that unites the Kurds is the driving force behind their pleas for self-determination, autonomy, and a sovereign Kurdish state. The complexity of this process is a limiting factor to Kurdistan. Despite the Kurdish right to their own state, without complete unity and stability, the Kurds future of statehood is unlikely.

Fragility of Iraq

The stability of Iraq directly affects the livelihood of the Kurds and the future stability of a Kurdish state. While the Iraqi Central Government in Baghdad was adamantly against Kurdish independence after the failed 2017 independence referendum, Iraq is currently not strong enough

⁵⁴ Mohannad Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study.”

⁵⁵ Baris Ünlü, “The Kurdish Struggle and the Crisis of the Turkishness Contract,” 397–405.

⁵⁶ Masoud Barzani, “Masoud Barzani on Kurdish Independence,” interview by Martine Dennis, Al Jazeera, July 19, 2004, Video, 25:00, <https://www.youtube.com/watch?v=EBGsr9v6dDc>.

⁵⁷ Bradley R Simpson, “Self-Determination, Human Rights, and the End of Empire in the 1970s.,” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 4, no. 2 (August 7, 2013): 239–60.

to take a powerful stance in preventing a Kurdish state—and this fundamental weakness is the predominant reason for their opposition. The government cannot oppose independence when it cannot provide basic amenities for its citizens such as water, electricity, or jobs. Since the takeover of Mosul by the Islamic State of Iraq and Syria (ISIS) and eventual liberation of the city, Iraqi citizens have experienced “near daily” electricity outages, leading to nationwide protests for government change.⁵⁸ These protests began in 2019 and were an outcry from the hurting citizens for the government to provide services, rebuild Mosul, and also was a plea for “the reduction of foreign influence on Iraqi governance (mostly in relation to Iran, also the US).”⁵⁹ As Baghdad is already competing with the KRG for regional control, a “secession of the Kurds would pose a direct challenge to Baghdad’s authority,”⁶⁰ congruent with the neorealism theory that one state’s gain would threaten the authority of the existing state.

As the state of Iraq is weakened and cannot even provide for its citizens, it cannot maintain Kurdish regional integrity, or protect itself from outside influence. The lack of power in Iraq derives from the lack of reliable action from the central government. As a weakened state, Iraq has little intangible power and all natural power from its oil industry is located in the Kurdish Region of Iraq (KRI). Northern Iraq is one of the most oil-rich provinces in the Middle East, and the KRG prioritized creating a stable oil market, independent from Baghdad. In 2013, approximately 50 large and small firms internationally relied on KRG oil, including ExxonMobil, Chevron, and Total.⁶¹ The biggest export of the KRG is Turkey, who signed a 50-year oil export contract with the KRG and in 2014, increased its consumption by 60 percent.⁶² In

⁵⁸ Hamzeh Al-Shadeedi and Erwin Van Veen, “The Fragmentation of Shi’a, Kurdish and Sunni Politics in Iraq,” *Iraq’s Adolescent Democracy- Clingendael CRU Report*, (June 2020).

⁵⁹ Al-Shadeedi and Van Veen, “The Fragmentation.”

⁶⁰ Nader, Hanauer, Allen, and Scotten, “Regional Implications.”

⁶¹ Zadeh and Kirmanj, “The Para-Diplomacy,” 597-606.

⁶² Ibid.

May of 2012, Turkey reported that, “of the USD 11 million of Turkey’s trade with Iraq, about 70 percent is within the Kurdistan Region”, and some scholars have suggested that this trade relationship would better serve Turkey if negotiations could be held with an independent Kurdistan, unrestricted by Baghdad.⁶³

The issue of who governs and controls the oil fields in Iraq is the largest point of contention between Baghdad and Erbil. Particularly in regards to Kirkuk, the disputed territories in Northern Iraq are the catalysts to whether the Kurds or Iraqis hold more power in the state. The Kurds believe that Northern Iraq was originally their land, and therefore they have claim to the oil fields and their subsequent profit. The Iraqi Central Government has manipulated borders to profit off of these oil fields causing unavoidable conflict with the Kurds. President Barzani said on the topic of oil fields, “The Iraqi state was founded with the oil from Kirkuk which belongs to the Kurds. The oil profit was used to buy artillery and tanks to annihilate Kurds.”⁶⁴ Despite decades of negotiation, the “solutions to the perennial issues of Kirkuk and the sharing of oil revenues prove elusive,” particularly during the al-Maliki administration until 2018.⁶⁵ The topic of oil in the Kurdish question of autonomy is monumental and further research is warranted to create the full image of this geopolitical and economic factor in regards to Kurdish independence.

Baghdad’s influence over the Kurdish Region is limited to the power delegated in the Iraqi Constitution and no longer to legitimate power through action.⁶⁶ Additionally, in an interview with Al Jazeera in 2017, President Barzani said that “The [Iraqi] constitution means

⁶³ Zadeh and Kirmanj, “The Para-Diplomacy,” 597-606.

⁶⁴ Barzani, interview.

⁶⁵ Michael M Gunter “The Kurdish Spring.”

⁶⁶ Filip Sommer, “Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue,” *Charles University*, (2021).

real partnership but that principle is now badly undermined. There must be a guarantee of real partnership until the people decide their own fate.”⁶⁷ The Iraqi Constitution was drafted in 2005 with Kurdish interests in mind, however the distribution of power intended was not fulfilled in the coming years and the Constitution failed to resolve issues of oil revenue and territorial lines. Thus, the split between Iraq and the Kurds caused by the Hussein regime failed to be mended. The foundation that the Constitution built for diplomacy between the KRG and Baghdad is crumbling, causing greater tensions between the two governments that have been developing for decades.

As a result of the crimes against humanity that the Kurds endured at the hands of the Iraqi Central Government, the relationship between Erbil and Baghdad is rooted in distrust: “horizontally, between Iraqi and ethnic Kurdish communities, and vertically between Kurdish communities and the Iraqi government.”⁶⁸ The autonomous KRI operates with little support from Baghdad as the cooperation between the two is limited and potentially futile. After the referendum, the disputed territories of Kirkuk, Nineveh, Diyala, and Salahaddin were subjected to undefined leadership as the KRG and Baghdad did not discuss who was supposed to control these regions, resulting in “very limited administrative, security and political cooperation between Baghdad and Erbil in these areas, with the pro-Iranian armed groups dominating the security landscape,”⁶⁹ thus contributing to the worsening of living conditions and instability in Iraq that the region fears.

It is this already present instability that is the leading cause of international opposition to Kurdish independence; Iraq is a fragile state susceptible to outside influence and if the KRG

⁶⁷ Barzani, interview.

⁶⁸ “The Kurdish Genocide: Achieving Justice through EU Recognition.”

⁶⁹ Kamaran Palani, “The Kurds could be kingmakers in Iraq's new government,” Al Jazeera, (2021), <https://www.aljazeera.com/opinions/2021/12/15/the-kurds-could-be-kingmakers-in-iraqs-new-government>.

were to secede, Iraq would lose the economic support of the Kurdish oil industry and its territorial integrity. The state would likely fall to the control of Iran, or be dissolved into a rogue state that would attract the development of terrorist groups. On the international level, opposition to Kurdish independence is almost solely attributed to this concern. For example, in 2017 Turkish President Recep Tayyip Erdoğan opposed the referendum as “a threat to the territorial integrity of Iraq.”⁷⁰ Until Iraq is stable enough to support its own economy and borders, the KRG will not have the regional and international support that it needs for its own state.

Before the KRG released the Independence Referendum, the government used the threat to secede against Iraqi President, al-Maliki, when he was uncooperative in the power sharing aspirations of the KRG. Author Michael Gunter summarizes the backlash against these tactics stating, “it would be far better for the Iraqi Kurds to be seen as doing their utmost to keep Iraq united,” rather than using their fight for independence to further the chasm between governments.⁷¹ Before attempting to secede, the KRG may consider extending some of its economic resources from the oil industry to aid Iraq and build up the state so that it will not collapse without the KRG in its borders.

Kurdish Regional Government Instability

Along with Baghdad, the Kurdish Region of Iraq is wrought with instability that stems from the nepotism and corruption of two dominating political families: the Barzanis and the Talabanis. Mustafa Barzani founded the Kurdistan Democratic Party (KDP) in 1946 and has since become the most popular political party in the KRI, founding and dominating the KRG.⁷²

⁷⁰ Zadeh and Kirmanj, “The Para-Diplomacy,” 597-606.

⁷¹ Michael M Gunter “The Kurdish Spring.”

⁷² “Learn About Kurdish Nationalism,” The Kurdish Project, <https://thekurdishproject.org/history-and-culture/kurdish-nationalism/>.

After the 1974-1975 war, when the KDP was defeated by the Iraqi Army led by Sadaam Hussein, Mustafa Barzani fled Northern Iraq to Iran. In the abandoned Kurdish region, Jalal Talabani formed the Patriotic Union of Kurdistan (PUK). This party is the leftist, socialist counterpart to the KDP's conservative and tribal foundation.⁷³

The two parties have disagreed since the foundation of the PUK, often fighting over how to govern the KRG and in 1994, the power sharing between them dissolved into the Kurdish Civil War. In 1998, the US negotiated Washington Agreement was signed by Masoud Barzani, then President of the KRG, and Jalal Talabani which established two separate administrations of the KRG coalition government: the KDP led governorate in Erbil, and the PUK led governorate in the southern city of Sulaymaniyah.⁷⁴ Rather than a leadership coalition, the two-family system has been described as a “power-sharing arrangement between the two political dynasties.”⁷⁵

Since the Washington Agreement, the two parties have been tolerant of one another but still greatly disagree about how to run Kurdistan. In 2008, the Joint Administration split up governing responsibilities but did not agree on which party should control the Peshmerga, the interior ministry of security and intelligence services, or the finance and justice ministry.⁷⁶ This dual-party control system has splintered the unity of the region. This is described as the “fundamental problem for the KRI ... under which different Peshmerga, intelligence, security and governing units are controlled by varying party and family-affiliated factions.”⁷⁷ The two

⁷³ The Kurdish Project, “Learn About.”

⁷⁴ Ibid.

⁷⁵ Hakeem D. Qaradaghi, “The dark side of democracy in Kurdistan: The rule of two clans – Culturico,” *Culturico*, (February 2016).

⁷⁶ Qaradaghi, “The dark side.”

⁷⁷ Bekir Aydoğan and Mehmet Alaca, “A Family Affair: Rifts in the Talabani Family Highlight the Kurdistan Region of Iraq's Political Weaknesses,” *The Washington Institute*, (August 2021).

political parties' failure to agree on how to coordinate critical infrastructure of the region is a major limiting factor to the stability of a future Kurdish state.

The escalating factor of this political polarization is that the power of both parties is deeply ingrained in the Barzanis and the Talabanis respectively. Of the current KRG government, the President is the KDP's Nechirvan Barzani (who was previously Prime Minister under Masoud Barzani), the Prime Minister is the KDP's Masrour Barzani, the Deputy Prime Minister is the PUK's Qubad Talabani, and the Speaker of the Parliament is the Movement for Change's Yousif Muhammed.⁷⁸ The Movement for Change, or Gorran, was founded as an anti-nepotism and anti-corruption political party to target the Barzani and Talabani hold on Kurdistan. Gorran has made progress with earning seats in the Parliament and now has the majority in the Sulaymaniyah Governorate.⁷⁹ The newly earned representation of Gorran in the KRG represents an increasing Kurdish "...deep anger against the Barzani's KDP and Talabani's PUK family domination over society and government."⁸⁰ This corruption is increasing the divide between domestic Kurdish political parties in Iraq, which would contribute to an unstable nation if the Kurds secede.

In addition to the most powerful political positions in the KRG, the Barzani's hold most other influential roles and so the KDP has been described for such reasons as a "family [of] clans, operating very much like a mafia organization."⁸¹ Their claim to a democratic government is a stretch, as elections are often replaced by familial appointments and even President Masoud Barzani has refused to transfer power on two occasions, extending his term limit twice and

⁷⁸ The Kurdish Project, "Learn About."

⁷⁹ Ibid.

⁸⁰ Michael M Gunter "The Kurdish Spring."

⁸¹ The Kurdish Project, "Learn About."

silencing any opposition to his authority.⁸² Masoud Barzani retained his presidency throughout the fight with ISIS, and eventually transferred his power to Masrour Barzani in 2019.

Under Masrour Barzani, the internal corruption has worsened. Human rights in Kurdistan has declined as, under his leadership, there is now “zero tolerance to critical voices and decent people who are fighting against corruption, nepotism, repression and social injustice in the region.”⁸³ Protesters are jailed or shot, as nine people were in the December 2020 protests against the progressive dictatorship.⁸⁴ Since the 2017 Independence referendum, the Kurdish region has been in steady economic decline due to Baghdad limiting Kurdish trade and taking Kirkuk, declining oil prices, increasing influxes of refugees, and attacks from ISIS.⁸⁵ The salaries of Kurdish public servants have decreased by 50 percent since 2016, and some PUK lawmakers have attributed this to the “incomes go[ing] into the officials’ pockets” and other reports claiming that the Barzanis have “monopolized most commercial activities in the region, amassing a huge fortune.”⁸⁶ Now, within a declining Iraqi statehood, Iraqi Kurds suffer under an oppressive regional government.

The Talabanis are alike in the Barzanis’ stretch to power. After Jalal Talabani died in February of 2020, the PUK appointed cousins Bafel Talabani and Lahur Talabani as co-leaders, whose goal was to offset the success of the KDP. Recently, a leadership crisis has developed as Bafel Talabani has ousted Lahur Talabani and any of his supporters from leadership duties, raiding pro-Lahur Talabani media outlets and expelling his cousin, who refused to leave Sulaymaniyah.⁸⁷ Bafel Talabani maintains control regardless and has the support of the Deputy

⁸² Qaradaghi, “The dark side.”

⁸³ Ibid.

⁸⁴ Qaradaghi, “The dark side.”

⁸⁵ *The Economist*, “Why Kurds.”

⁸⁶ Qaradaghi, “The dark side.”

⁸⁷ Qaradaghi, “The dark side.”

Prime Minister and the Speaker of Parliament. This partial coup is indicative of the greater instability in the PUK: distrust within the party disaligns the priorities from securing the independence of the KRI. As the PUK aims to gain more control of the KRG, the “internecine fighting within the PUK only further complicates an already unstable political situation in the KRI” and decreases the legitimacy of the PUK as viable leadership for a Kurdish state.⁸⁸

Aside from the issues within each family respectively, the PUK and the KDP have an active rivalry. Both parties are trying to undermine the other’s authority and ultimately consolidate the Erbil and Sulaymaniyah governorates under one party. With the Talabani leadership scandal, the KDP has tried to gain greater credibility among their Kurdish constituents in comparison and in 2018, the PUK accused the KDP of violating the electronic voting process and tampering with election results.⁸⁹ As long as the two dominant parties are more focused on ascending to power and dominating the other, rather than governing the Kurds, an independent state or even a diplomatic relationship with Baghdad, is impossible. Peace between the two governments is unlikely as the ability to cooperate partially “depend[s] on the ability of the main Kurdish parties to keep a united front in talks, which would mean overcoming their internal fragmentation and rivalries.”⁹⁰ This divide will have to be overcome before any legitimate claims to independence can be made.

The KRG will not receive international support as long as the “disunity, infighting, and accusations of betrayal between the PUK and the KDP” continue to develop instability in the region.⁹¹ In the report entitled, *The Para-Diplomacy of the Kurdistan Region in Iraq and the*

⁸⁸ Aydoğan and Alaca, “A Family.”

⁸⁹ Qaradaghi, “The dark side.”

⁹⁰ Palani, “The Kurds could be kingmakers in Iraq’s new government.”

⁹¹ Aydoğan and Alaca, “A Family.”

Kurdish Statehood Enterprise, the authors summarize the KRG likelihood of a state as, “It is obvious that Kurds yearn for independence, but the real test for the KRG’s para-diplomacy will be whether it has the strength to carry it out.”⁹² If the KRG is unable to govern themselves while still being supported by Baghdad, then the prospective Kurdish state would be far less prepared for the responsibilities that come with sovereignty.

Kurdish Transnational Disunity

Outside of the polarization within the KRI, Kurdish political parties over border lines are wrought with disunity and disagreement over a common Kurdish goal. With the violence by the PKK, which has been condemned by other Kurdish parties, and the alliance between the PKK and the PYD, there has been a transnational split between Kurdish political parties and the methods that should be used to fight oppression. In addition to the condemnation of the PKK as discussed earlier in this article, the PYD militias have “committed war crimes against civilians under the guise of fighting ISIS,” and been described by Amnesty International as having committed war crimes against humanity.⁹³ Additionally, one tactic for Kurdish diaspora groups to gain momentum in their home countries is “by gaining sympathy... influenc[ing] the policies of their host states.”⁹⁴ If the popular image of the Kurds is of a violent organization that is at war with Turkey and armed against civilians, then the Kurdish movement will not be able to gain international empathy and advocacy for their cause.

As the prevailing Kurdish party in Syria, the violence used by the PYD has fractured its relationship with the KRG and united it in the eyes of Turkey with the PKK. This is detrimental

⁹² Zadeh and Kirmanj, “The Para-Diplomacy,” 597-606.

⁹³ Mohannad Al-Kati, “The Kurdish Movement in the Arab World: The Syrian Kurds as a Case Study.”

⁹⁴ Curtis, “Nationalism in the Diaspora: A Study of the Kurdish Movement.”

to any Kurdish movement to independence, regardless if the party seeking independence is not participating in violence, as a disjointed Kurdish front will be unable to lead a state that can satisfy all Kurds desires. This is primarily why as the KRG attempts to secede to form its own state, the government is not attempting to form that transnational Kurdistan that was described in the 20th century as spanning Turkey, Iraq, Syria and Iran.

As Turkey's influence in the region grows, its animosity towards the PKK affects how Turkey views the Syrian Kurds, and how Turkey interacts with the KRG. Largely against separatist movements, Turkey is concerned that with increasing prevalence of the Syrian Kurds in their semi-autonomous region on the Turkish border, that Syrian Kurds will serve as “an unwanted model for Turkey’s own disaffected Kurds and the PKK.”⁹⁵ The fear that other Kurdish independence movements will embolden domestic separatists in Turkey is not a new claim, but with the close political ideological ties between the PKK and the PYD, Turkey is especially resistant to Syrian Kurds, typically in the form of military force. In early April 2022, Turkish airstrikes into Northern Syria targeting the Syrian Democratic Forces (SDF) killed one member and injured two more. Additionally, the Turkish militia kidnapped three Kurds in the Jandris and Rajo districts of Syria, just after almost a week of releasing previously kidnapped Kurds.⁹⁶ These actions are motivated by the Turkish perception of the SDF as “a security threat because of its links to a Kurdish guerrilla movement that has been fighting an insurgency against the Turkish state for decades:” the PKK.⁹⁷ Until Turkey is able to remedy the relationship between Ankara and the PKK, potentially accepting the PKK as a “legitimate negotiating

⁹⁵ Michael M Gunter “The Kurdish Spring.”

⁹⁶ “Kurdistan's Weekly Brief April 5, 2021,” Washington Kurdish Institute, (2022), <https://dckurd.org/2022/04/05/kurdistans-weekly-brief-april-5-2021/>.

⁹⁷ Jane Arraf, “Syria's Kurds Wanted Autonomy. They Got an Endless War.”

partner,”⁹⁸ the transnational attacks against other Kurdish movements and PKK affiliated groups will not cease.

As a result of the KRG’s economic ties to Turkey, the KRG is in a position of favor with the state and any support of the PKK would jeopardize the KRG’s relationship with Turkey. The KDP is thus torn between ethnic loyalties and regional alliances while, “ Turkey pressures [the KDP] to take a clearer position against the PKK, the PKK criticizes it for betraying Kurds through its cooperation with Ankara.”⁹⁹ Therefore, despite the KDP and the PKK being Kurdish political parties, the KDP has had to turn its back on the struggles of the PKK, renounce its violent tactics, and ally itself with Turkey to advance the Iraqi Kurds position. Consequently, as the PYD is the Syrian branch of the PKK, the Kurdish Regional Government, as led by President Barzani, is also allied with Turkey in its fight against the Syrian Kurdish guerrilla group.

In December of 2021, Iraqi Kurds closed off the Fishkhabour-Semalka border between Northeast Syria and Northern Iraq, which is the “only transport link between Northeast Syria and the rest of the world.”¹⁰⁰ This caused a humanitarian crisis for Syrian Kurds as they were unable to access necessary resources including “essential life-saving health supplies.”¹⁰¹ This closure has prompted PKK violence against the KRG border headquarters on behalf of the PYD who “blamed Turkish pressure for the Iraqis’ closure of the border, which included stopping exports of oil sold by the Kurdish-led region in Syria to Iraqi Kurds — a main source of revenue.”¹⁰² The relationship between the KRG and the PYD, and by extension the PKK as well, is deteriorating.

⁹⁸ Michael M Gunter “The Kurdish Spring.”

⁹⁹ Nader, Hanauer, Allen, and Scotten, “Regional Implications of an Independent Kurdistan.”

¹⁰⁰ Wladimir van Wilgenburg, “Closure of vital Syria border crossing disrupts aid to 1.8 million in need,” Middle East Eye, (2022), <https://www.middleeasteye.net/news/syria-iraq-kurdistan-fishkhabour-semalka-border-crossing-closure>.

¹⁰¹ Wilgenburg, “Closure of vital Syria border crossing disrupts aid to 1.8 million in need,” Middle East Eye. <https://www.middleeasteye.net/news/syria-iraq-kurdistan-fishkhabour-semalka-border-crossing-closure>.

¹⁰² Jane Arraf, “Syria's Kurds Wanted Autonomy. They Got an Endless War.”

President Barzani's efforts to form an independent Kurdistan while the KDP's relationship with Kurds in Turkey and Syria is unstable, speaks to Barzani's desire for an independent Iraqi Kurdistan, one that does not include transnational Kurds. Despite the theoretical Kurdistan that was absorbed during the Treaty of Lausanne, the KRG is not focused on regaining the land of all Kurds. This suggests that a sovereign Kurdistan may turn its back on the struggles of related ethnic parties in favor of developing economic ties with the international world through the oil reserves that Iraq would no longer have access to. Thus, a Kurdish state formed from the KRI may participate in the regional manipulation that for so long has harmed the Kurds, as seen through the actions of neighboring countries and international superpowers. This gives rise to concern that the KRG's motivation for independence is rooted less in a desire to avenge the plight of the Kurds and protect an ethnic minority and more so in a desire to achieve regional and political power, at the expense of Iraq and other Kurds.

External Influence

Iran

In addition to the internal disarray of the Kurdish region, the KRG's increasing instability has left northern Iraq vulnerable to external, often misguided, influence. Iran's power in the region is tremendous and the state has consciously tried to increase its influence in Iraq and the KRG. Iran has strategically implemented Shi'a ideas into the Kurdish and Iraqi government, formed security and economic alliances with the KRG, supported Kurdistan in the vacuum of the US leaving the region, and formed close ties with the PUK.

Iran's position on Kurdish independence, along with Syria and Turkey, was decided upon in 1992 when the three countries gathered to vow to not support an independent Kurdish State.¹⁰³

¹⁰³ Mohammad Salih Mustafa, "Iran's Role in the Kurdistan Region | مركز الجزيرة للدراسات," *Al Jazeera Center for Studies*, (April 2016).

Since then, Syria has fallen into instability and is therefore unable to affect any substantial resistance, and Turkey has opposed independence but has significant economic ties with Kurdistan and will not be as active in opposition. Iran therefore, is left with ensuring that Kurdistan remains a part of Iraq with the motivation to keep Iraq intact for the sake of regional stability.¹⁰⁴ In 2017, Iran was not blatantly against the independence referendum for the sake of maintaining positive relations with the KRG. However, the referendum has been referred as a “conspiracy,” as said by cleric Ahmad Khatami, who is a member of the Iranian Assembly of Experts, and that regardless of the support given to the KRG to keep Iraq stable, “the explicit policy of Iran towards any Kurdish hope of independence is a negative one.”¹⁰⁵

Iranian politics is dominated by Shi’a politics, which is a branch of Islamic rule. Iran has taken on a role of influence in the Iraqi government by supporting Kurdish and Iraqi Shi’a politicians, which has led to Baghdad being a Shi’a dominated government.¹⁰⁶ It is Iran’s goal to increase the Shi’a influence in the region despite the Kurdish Sunni Muslim opposition.¹⁰⁷ This motivation for regional influence is not explicit, but Iran hopes to gain access to Syria through the Kurdish Region in Iraq¹⁰⁸ and to isolate the KRG from Turkish influence as Turkey is resistant towards Iranian power.¹⁰⁹ Iran is not explicitly involving its own ideas, but through use of political proxy, Iran is promoting Shia sectarianism and gaining support for Iranian aid in Baghdad and the KRG.

¹⁰⁴ Mustafa, “Iran’s Role.”

¹⁰⁵ Mustafa, “Iran’s Role.”

¹⁰⁶ Nader, Hanauer, Allen, and Scotten, “Regional Implications.”

¹⁰⁷ Mustafa, “Iran’s Role.”

¹⁰⁸ Mehmet Alaca and Bilgay Duman, “Turkey and the Kurdish Factor in the Middle East,” *The German Marshall Fund of the United States* (May 2021).

¹⁰⁹ Mustafa, “Iran’s Role.”

Since the failed independence referendum, the KDP has accused the PUK of collaborating with Iranian General Qasem Soleimani and the Baghdad government.¹¹⁰ Ala Talabani, a Kurdish official with the PUK, said, “I don’t deny that Qassem Suleimani and our neighbor Iran have a hand in much of what goes on in the region. They play a positive role by providing us counsel and advice.”¹¹¹ During the Iraqi invasion on Kuwait, harsh sanctions were placed on Iraq as repercussions for its actions. Iran, although prohibited to do so, acted independently and supplied Iraq with necessary goods by smuggling trails through the Kurdish region, demonstrating more political involvement than just “counsel and advice.”¹¹² This aid, provided when no other country would help Iraq, began the development of the relationship that Talabani speaks of above; thus, as Iraq began to fall into instability, Iran chose to work through the comparatively stable KRG.

I have observed that even though Iran has been one of the first to assist the KRG, the country has played a role in causing the issues that Kirkuk needs aid with. For example, on February 15, 2021, there were rocket strikes on the city of Erbil, meant to be a threat to the KRG, Iraqi Central Government, and foreign actors involved in the Kurdish Region.¹¹³ It was the group Awliya al-Dam, loosely connected with the Iranian Shiites militia, who claimed responsibility. The attack was generally understood to be conducted with Iranian support and by Iran “blurring lines of accountability, resistance militias can continue to pressure Baghdad and Washington through intimidating attacks and take cover with plausible deniability, ultimately blaming the

¹¹⁰ Aydoğan and Alaca, “A Family.”

¹¹¹ Jeremy Hodge and William Astore, “Iran’s—and Russia’s—Influence Is Growing in Iraqi Kurdistan,” *The Nation*. (October 2017).

¹¹² Mustafa, “Iran’s Role.”

¹¹³ Caroline Rose and Rasha Al Aqeedi, “Iran Using Iraqi Kurdistan Against the US and Turkey,” Newlines Institute, (February 19, 2021), <https://newlinesinstitute.org/iran/iran-using-iraqi-kurdistan-against-the-u-s-and-turkey/>.

attacks on ‘rogue elements’ only loosely associated with established Shiite militias.”¹¹⁴ By Iran threatening the KRG through proxies that cannot be confirmed to be traced back to them, Iran can “[force] the KRG to seek Tehran’s help in halting attacks,” as they were through the Peshmerga of the PUK after ISIS took control of Kirkuk.¹¹⁵ This tactic is hard power disguised as soft power, as Iranian supported groups attacked Erbil, Iran was threatening the KRG with the magnitude of force in their arsenal, with the intent to persuade the KRG to ask for help from Iran and integrate the state into Kurdish politics.

Additionally, Iran's support for the Kurdish movement is insincere as the current Iranian government is engaged in human rights violations against its own Kurdish population. In April 2022, the city of Oshnavieh’s Islamic Revolutionary Court “handed down prison sentences ranging from nine months to eight years to ten Kurds for “membership of Kurdish parties” and prior participation in anti-government protests.”¹¹⁶ If Iran's support of the KRG were genuine with no motivation to serve itself, then the government may be more supportive of Iranian Kurds and the issue of Kurdish nationalism within domestic politics.

Turkey

Turkey is like Iran in its regional power as the stability of the state guarantees Turkey the credibility and leverage to act over other nations, including Iraq, Syria, and inevitably the Kurds. As Turkey has forged a stronger economic connection to the KRG through mutual oil deals, their political alliance has strengthened. As the number one exporter of KRG oil, the economic partnership is also mutually beneficial. To establish its economic foundation separate from opposing political ideologies, “Turkey needs the KRG’s oil to become more independent of

¹¹⁴ Rose and Al Aqeedi, “Iran Using Iraqi Kurdistan Against the US and Turkey.”

¹¹⁵ Rose and Al Aqeedi, “Iran Using Iraqi Kurdistan Against the US and Turkey.”

¹¹⁶ “Kurdistan's Weekly Brief April 5, 2021.”

Russia's and Iran's imports."¹¹⁷ Additionally, KRG oil exports are reliant on Turkish oil pipelines to transport their oil out of the KRI. This relationship has benefitted both countries by increasing both economies and forming an increasingly dependable alliance between Turkey and the KRG.

As seen by the tensions between the PYD and the KDP as a result of this Turkish alliance, Turkey has selectively chosen which Kurdish movements to support, favoring only those Kurdish political parties that reject the PKK. This has caused Turkey to support the KRG's independence plea, if only through its economic dependency rather than full support for Kurdish nationalism. Turkey's former staunch rejection of a Kurdish state has transformed "because of its economic interests in Iraqi Kurdistan and its own internal reforms, driven in part by its EU accession hopes."¹¹⁸ This is demonstrative again of how outside support of Kurdish movements is largely dependent on how an Iraqi Kurdistan would benefit an already established state. In Turkey's case, the state would become an economic partner that would elevate its status in European affairs to potentially become an EU member.

The Superpowers

The KRG attracts international attention as the region is a large oil supplier and therefore a fruitful Middle Eastern ally for global superpowers such as China, Russia, and the United States. Although there are economic benefits for ties with Kurdistan for the superpowers, the motivation for China, Russia, and the US seems to be largely driven by their own competition for global power. Whichever country has the most influence in the Middle East will have that region's economic and political power attached to their own, forming a pseudo-alliance that can be leveraged against the other two. In this regard, it is as if Iraq, and specifically the developing

¹¹⁷ Jane Arraf, "Syria's Kurds Wanted Autonomy. They Got an Endless War."

¹¹⁸ Michael M Gunter "The Kurdish Spring."

Kurdistan, is a chessboard for global actors with the KRG and the Iraqi Central Government as the pawns. When the US withdrew its troops in 2011, it created a “global power vacuum” that the surrounding countries competed to fill.

The US is not looked favorably upon by the KRG because, despite the security alliance against ISIS in 2017, it did not support the independence referendum. As a result of the past twenty years of unwelcome invasions, “US or western ground troops will always be seen as foreign invaders in the Middle East, even if their objectives are humanitarian in nature.”¹¹⁹ As a result of failed US foreign policy, the goal of China and Russia is to undermine the US hegemony by becoming the ally to the Middle East that the US could not be and gaining influence in regions where the US has failed to achieve its agenda.

During the peak fight against ISIS, the United States formed an alliance with the Syrian Democratic Forces (SDF), which is the military force that presides in and under control of the Kurdish autonomous region in northeastern Syria. On January 20, 2022, ISIS forces attacked a prison in the city of Hasaka with the aim to free the approximately 4,000 ISIS fighters that had been held by Syrian forces. The SDF fought to regain control of the city with aid from the United States who referred to the SDF as “essential partners” in the fight against ISIS.¹²⁰ However, because of the unreliable nature of US support in the Middle East as well as the lack of support the US displayed to the Iraqi Kurds after the 2017 Referendum, “the Syrian Kurds are under little illusion though that they can count on the U.S. to protect them in the long run.”¹²¹ International support for the Kurds in any country is therefore contentious and inconsistent, at will of other powerful nations' political agenda.

¹¹⁹ Filip Sommer, “Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue.”

¹²⁰ Jane Arraf, “Syria's Kurds Wanted Autonomy. They Got an Endless War.”

¹²¹ Jane Arraf, “Syria's Kurds Wanted Autonomy. They Got an Endless War.”

One example of how the Middle Eastern Region is a battlefield for international superpowers is in Syria during the revolutions against the Assad Regime. The leadership has split the international world into alliances that ripple away from the Middle East. Russia and China are allied with the Assad regime because the states do not want to create an “unfortunate precedent for the international community to intervene some day in their domestic affairs for human rights violations.”¹²² Concurrently, US troops are in Northern Syria at the request of the SDF to protect the region from the increasing Turkish attacks, which are again caused by the Syrian Kurdish PYD sect’s alliance with the PKK.¹²³ These involvements relate back to the Kurdish issue by demonstrating that each superpower has a hand in domestic Middle Eastern politics motivated by each country's hegemonic pursuits.

China is developing a relationship with the KRG through energy trade. As the largest oil importer in the world, China’s purchasing of KRG oil would be economically beneficial for the financially unstable region.¹²⁴ China did not support the 2017 independence referendum because of traditional opposition to separatism and “adhering to a policy of non-interference in other countries’ internal affairs.”¹²⁵ Regardless, China is filling the region vacated by the US with “developmental peace” support for the Middle East as opposed to “democratic peace” as imposed by the West. As the US has made enemies by pushing democracy and intervention rather than supporting the KRG’s independence referendum, Kurdistan is now looking to China as a “new possible strategic partner.”¹²⁶

¹²² Michael M Gunter “The Kurdish Spring.”

¹²³ Jane Arraf, “Syria's Kurds Wanted Autonomy. They Got an Endless War.”

¹²⁴ Sommer, “Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue.”

¹²⁵ Sardar Aziz, “Navigating a Growing Chinese Influence in Iraqi Kurdistan,” The Washington Institute, (July 27, 2020) <https://www.washingtoninstitute.org/policy-analysis/navigating-growing-chinese-influence-iraqi-kurdistan>.

¹²⁶ Sommer, “Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue.”

Russia is in a similar situation as China following the decrease of American presence in the region. In pursuit of global hegemony as well, Russia is practicing foreign opportunistic policy; Russia will not take an overt stance on the side of any one issue so as not to make enemies. As a result, Russia has energy deals with both the KRI and Baghdad that allow the Russian energy company Rosneft to profit off of the weakening economy. Russia's motivation for this has less to do with supporting the KRG economy and instead demonstrates its attempts to "build a monopoly on the European gas market, which is approaching thanks to the agreements with the KRG."¹²⁷ Russia, China, and the US, are exerting their power over the KRG as leverage against other countries as indirect tools of competition for global power.

The actions of these three countries demonstrate the economic leverage that they are exerting on the vulnerable KRG. After the failed independence referendum, Baghdad reduced the share of the federal budget that was allocated to KRI, thus leaving the KRG in economic disparity and looking for outside financial support. As China and Russia built economic relations just after the US left, they entered into a position of control over the KRG by holding the resource that it needs the most: money. Iran is acting similarly as it is increasing economic ties with the KRG. Kurdistan will then be dependent on China, Russia, and Iran for economic prosperity and international support, becoming vulnerable to political pressures from the undemocratic systems of governance. As the KRG becomes reliant on outside actors, the decision of its sovereignty will be dependent on if its independence will benefit these actors.

Conclusion

In this paper, I aimed to analyze the limiting factors of the KRI gaining an independent state. I have concluded that despite the Kurds being deserving of sovereignty, the future of a

¹²⁷ Sommer, "Geopolitics of Iraqi Kurdistan: A Role of External and Internal Actors in Kurdish Issue."

Kurdish state is unlikely as long as the current political conditions persist. If the KRI were to leave Iraq, Iraq would likely lose territorial integrity, struggle financially without Kurdish oil money, and have administrative holes from Kurdish officials leaving Baghdad. The KRG's current state of fragility will be crippling if it cannot develop its infrastructure and economy. Additionally, the political divide and nepotism in the KRI would cause the newly minted state to fail before establishment as the PUK and the KDP would be unable to collaborate on nation-building, in addition to being too corrupt to serve Kurdish citizens.

With the combination of internal and external pressures on Kurdistan, a Kurdish state will only be a possibility if the new state is strong enough to sustain the regional pressures. Where the KRG stands now, a Kurdish state would not be a stable addition to the Middle East. The emergence of such a weakened state would be more easily manipulated than the current KRG, susceptible to Iranian, Turkish, Russian, Chinese, or American influence and ideas. Before it attempts independence, Kurdistan must be strengthened to prevent the inevitable failure of the KRG in its current state from leading a new state to failure.

The Kurdish issue can serve the international community as an example to better understand the complexities and hurdles that a separatist nation endures. From the factors above that are prohibiting the Kurds from achieving their own state, a criteria of prerequisites for a separatist nation to secede can be synthesized. First, in order to avoid unnecessary and potentially violent conflict during the process of obtaining independence, a separatist nation should have at least diplomatic relations with the host country. This would allow both nations to compromise during the process of secession while ensuring that both the host state and the new state are supported during the split. This condition is contingent on a generous understanding of

the separatists goals on the part of the host state and unfortunately unlikely due to the prevailing principles of sovereignty, specifically related to the refusal to surrender land possession.

Second, if a nation is attempting to earn its own independent state, then the nation must present a unified political front. If there is any political fragmentation within the domestic movement, or transnationally, the separatist nation will not have the self-sufficiency and internal stability necessary to form a new state. The political divide would crumble under the pressures of designing a country and may potentially exclude or polarize a population of the nation. Similarly, the separatist government must have a solid economy and infrastructure that is able to withstand without support from the host nation. Without this, the state would fail to enter the international economy and would not be able to provide for its citizens. If this was achieved, then the new state would be able to enjoy the international privileges of sovereignty without being susceptible to external manipulation by more powerful states.

Through my research, I believe that the Kurds deserve a state. The generations of Kurds across the Middle East that endured trauma are owed their own state. It is my hope that Kurdistan will be able to strategically and diplomatically achieve a state that would serve all Kurds across Turkey, Iraq, Syria, and Iran. If the Kurds, and specifically the Kurdish Regional Government, amend their current course of action then sovereignty may be possible in the future. If the Kurds allow their current trajectory to continue, then a Kurdish state will not be a possibility and the plight of the Kurds will persist indefinitely.

A Need for Action: Policies and Propositions on Iran

Nolan Drazin*

Abstract: *In the past twenty years, the Islamic Republic of Iran has advanced its nuclear aptitude. Over this period, it has become clear that the regime seeks nuclear capability beyond what is sufficient for biomedical research or energy production. In this time, relations between the United States and Iran have become increasingly hostile. The quagmire posed in the potential for Iran to develop a nuclear weapon threatens the security of the United States and every nation-state in the region. To the present, the United States has not adopted a concrete course of action to prevent this outcome. Previous policy implementations, and their unsuccessful iterations, have represented competing ideologies. With the current situation representing a metaphorical call-to-action, the United States must adopt a definitive policy outline to counter this potential threat. Outlined as follows are the specifics of the present, in addition to four potential policies for adoption. This paper aims to foster discussion on US-Iran relations and bring further attention to possible actions aimed at combating the formation of an eventual Iranian nuclear weapons state.*

Keywords: *Iran, Nuclear Weapons, JCPOA, Regime Change.*

The United States must take concrete action to address the potential nuclear weapons threat posed by the government of the Islamic Republic of Iran. Over the course of the past twenty years, US strategy is best analogized as a pendulum swing:

Following the US invasions of Iraq and Afghanistan, the Bush Administration considered the maximalist option of invading Iran to address the potential risk of a nuclear weapon. At the time, the chief proponent of such force, Vice President Dick Cheney, saw the potential for the production of a nuclear weapon, and Iran's arming of terrorist factions in Iraq and Afghanistan, as a dire threat to US and regional security.¹ By 2015, with no conventional military action being taken, a policy shift from the Obama Administration resulted in the signing

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¹ Ewen MacAskill and Julian Borger, "Cheney Pushes Bush to Act on Iran." The Guardian. Guardian News and Media, July 16, 2007. <https://www.theguardian.com/world/2007/jul/16/usa.iran>.

of the Joint Comprehensive Plan of Action (JCPOA)² to address these risks. This swing in policy, from military force to diplomacy, remained temporary. In 2018, the Trump Administration, seeing the deal as an ineffective means to stop Iran from acquiring a nuclear weapon, withdrew from the JCPOA³ – leading to the effective collapse of Iranian nuclear compliance.⁴

Since the 2018 withdrawal, Iran has enhanced its nuclear facilities, stockpiled enriched uranium, and continued its development of ballistic missile technology. The initial goal of the 2015 JCPOA was to prolong the time it would take for Iran to make a nuclear weapon – estimated to be fifteen years. With these restrictions depleted, current estimates hold that the regime can manufacture a warhead in well under a year.⁵

Today, Iranian diplomats refuse to meet with US negotiators,⁶ Iranian leaders threaten the destruction of the US and its allies,⁷ and Iran’s scientists advance development of its ballistic missile technology and nuclear expertise.⁸ According to the 2022 Threat Assessment of the DNI,

² “Iran Deal.” National Archives and Records Administration. National Archives and Records Administration. Accessed April 7, 2022. <https://obamawhitehouse.archives.gov/issues/foreign-policy/iran-deal>.

³ Mark Landler, “Trump Abandons Iran Nuclear Deal He Long Scored.” The New York Times. The New York Times, May 8, 2018. <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>.

⁴ Kiyoko Metzler, David Rising, and Edith M. Lederer, “Un Agency Says Iran Is Violating All Restrictions of Nuclear Deal.” Defense News. Defense News, June 5, 2020. <https://www.defensenews.com/global/mideast-africa/2020/06/05/un-agency-says-iran-is-violating-all-restrictions-of->

⁵ Laurence Norman, “U.S. Sees Iran’s Nuclear Program as Too Advanced to Restore Key Goal of 2015 Pact.” The Wall Street Journal. Dow Jones & Company, February 3, 2022. <https://www.wsj.com/articles/u-s-sees-irans-nuclear-program-as-too-advanced-to-restore-key-goal-of-2015-pact-11643882545>

⁶ Parisa Hafezi, “Iran Top Diplomat Says U.S. Must Show Goodwill Gesture for Direct Talks.” Reuters. Thomson Reuters, February 19, 2022. <https://www.reuters.com/world/middle-east/irans-top-diplomat-says-2015-nuclear-deal-revival-depends-us-political-decision-2022-02-19/>.

⁷ Radio Free Europe/Radio Liberty. “Iran Vows 'Revenge' on Anniversary of General's Killing in U.S. Air Strike.” January 3, 2022. <https://www.rferl.org/a/israel-iran-hackers-nuclear-soleimani/31637071.html>.

⁸ The Associated Press. “Iran Says It Fired 16 Ballistic Missiles during Annual Drill.” ABC News. ABC News Network, December 24, 2021. <https://abcnews.go.com/International/wireStory/iran-fired-16-ballistic-missiles-annual-drill-81930349>.

it appears Iran has not decided whether or not to build a nuclear weapon, yet is increasingly capable of doing so, should it make that decision.⁹

These proliferations of nuclear capability, the means to launch nuclear weapons *via* ballistic missiles, and repeated acts and calls for hostility, represent an existential threat to the US and its allies. This threat of potential nuclear war can be addressed – yet it must be done now.

The reality of this threat will be further examined in the following presentation of the “Current Situation and Future Risks.” Following this, four potential policy options will be examined: “Option I: Remove Sanctions & Withdraw from Relations,” will entail the potential for an isolationist approach to affairs with Iran. “Option II: Diplomacy,” will address the ramifications and potential to negotiate for the cessation of nuclear proliferation. “Option III: Targeted Strike to Destroy Nuclear Infrastructure,” will examine a more robust, yet minimized, variant of military confrontation. This proposal will address the *pros* and *cons* of such force – especially in such an isolated variety. Lastly, “Option IV: Invasion to Force Regime Change,” will include a detailed discussion of historical precedent, the potential for great *costs*, and, ultimately, the recommended route to *definitively* solve the existential crisis posed by Iran’s nuclear proliferation.

In essence, it is clear that Iran is paving the way for the development of a nuclear weapon. These Options present varying and different ways to deal with this threat. Ultimately, however, the decision to act *definitively* – as proposed in Option IV – will become necessary:

The Current Situation and Future Risks

⁹ Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community §. With Information as of January 2022 (n.d.).

Since the US withdrawal from the JCPOA, Iranian compliance has faltered. Under the agreement, Iran's uranium enrichment was capped at 20 percent.¹⁰ This figure represents the amount necessary to produce energy and conduct biomedical research. Enrichment beyond this percentage serves no purpose, other than working toward weapons-grade levels. Today, the Iranian regime enriches uranium up to 60 percent.¹¹ While this figure may or may not constitute the ability to produce a nuclear weapon, even if 60 percent enrichment itself is insufficient, Iranian capability is increasing. In the future, Iran will be able to exceed 60 percent. According to Norman Roule, a former CIA Official, "[60 percent enrichment is] about 99 percent of the enrichment work required to produce weaponization-status uranium, and some believe that 60 percent is actually sufficient for a nuclear weapon itself."¹²

Under the JCPOA – Iran was limited to installing a maximum of 5,060 of the oldest and least efficient centrifuges.¹³ As of 2021, Iran has installed more efficient centrifuges – including IR-4 and IR-6 models.¹⁴ With these centrifuges, Iran has the capacity to enrich uranium faster and with a higher yield than 60 percent. If no action is taken on part of the US to limit these

¹⁰ "Fact Sheets & Briefs." The Joint Comprehensive Plan of Action (JCPOA) at a Glance | Arms Control Association. Arms Control Association, March 2022. <https://www.armscontrol.org/factsheets/JCPOA-at-a-glance>.

¹¹ Kelsey Davenport, "Iran's Nuclear Growth Puts Deal at Risk ." Arms Control Association. Arms Control Association, December 2021. <https://www.armscontrol.org/act/2021-12/news/irans-nuclear-growth-puts-deal-risk#:~:text=The%20stockpile%20of%20uranium%20enriched,kilograms%2C%20up%20from%2010%20kilograms.&text=In%20January%202021%2C%20Iran%20began,to%20compliance%20with%20the%20JCPOA>.

¹² "Iran Expert Norman Roule on Escalating Tensions with Tehran - 'Intelligence Matters' Transcript." CBS News. CBS Interactive, November 3, 2021. <https://www.cbsnews.com/news/iran-expert-norman-roule-on-escalating-tensions-with-tehran-intelligence-matters/>.

¹³ "Iran Nuclear Deal: What It All Means." BBC News. BBC, November 23, 2021. <https://www.bbc.com/news/world-middle-east-33521655#:~:text=Under%20the%20JCPOA%2C%20the%20country,implementation%20day%22%20in%20January%202016>.

¹⁴ Frederik Voûte and Valerie Lincy, "Beyond the IR-1: Iran's Advanced Centrifuges and Their Lasting Implications." *Iran Watch: Publications*, November 22, 2021

enrichment capabilities, it appears that Iran has, or will soon acquire, the means to produce a nuclear weapon.

These actions are indicative of nuclear hedging. Ariel Levite, the preeminent scholar in this field, defined this principle as, “a national strategy of maintaining, or at least appearing to maintain, a viable option for the relatively rapid acquisition of nuclear weapons based on an indigenous technical capacity to produce them within a relatively short time frame ranging from several weeks to a few years.”¹⁵ This strategy can be used to posture. In doing so, a country maintains leverage in diplomacy, disputes, or defense. In the case of Iran, the regime is able to maintain supremacy in any negotiations with the US and places itself with the capacity to advance its nuclear capability over time. With Iran being less than a year away from constructing a nuclear weapon, hedging appears to be paying off. According to Wyn Bowen and Matthew Moran in *The Royal Institute of International Affairs*, “Ultimately, the nature of the Iranian nuclear challenge has changed, and the approach for dealing with this challenge must do likewise.”¹⁶

Although the ultimate intentions of Iran – whether or not the regime will decide to manufacture a nuclear weapon – are largely unknown, what is known is simple. Since the 2018 US withdrawal from the JCPOA, the regime consistently moved to further its centrifuge efficiency and resulting uranium enrichment. Even without mention of the enhanced ballistic missile capabilities, it appears that Iran has made itself ready to produce such a weapon, if it so desires. To maintain the status-quo would be to allow for the further continuation of these actions

¹⁵Ariel Levite, “Never Say Never Again: Nuclear Reversal Revisited.” *International Security* 27, no. 3 (2003): 69. <https://doi.org/10.1162/01622880260553633>.

¹⁶ Wyn Bowen and Matthew Moran, “Living with Nuclear Hedging: The Implications of Iran's Nuclear Strategy.” *International Affairs* 91, no. 4 (2015): 687–707. <https://doi.org/10.1111/1468-2346.12337>.

– in the form of a developed and modernized nuclear program – capable of producing, at minimum, one nuclear weapon.

This situation could be analogized to the historical phenomenon of North Korea, in which the regime employed the same strategy of nuclear hedging. According to a study by Andrea Berger, the US sanctions and diplomatic efforts at the time were akin to a “house without foundations.”¹⁷ These ineffective measures lead to the gradual development of its nuclear program and resulting weaponry. If such precedent gives any clue to the future, this ongoing approach may not be in the best interest of the US, as it will not stop Iran from ultimately producing a nuclear weapon.

Option I: Remove Sanctions & Withdraw from Relations

This option represents the maintaining of the status-quo, if for a few alterations. The professed ‘withdraw from relations’ approach would need to coincide with the removal of all sanctions on Iran – a pseudo-isolationist approach. This is due, in part, to the Iranian regime viewing the ongoing sanctions as the major obstacle to further negotiations and the easing of hostilities.¹⁸ If these attitudes are accurate – which in on itself would constitute a great leap of faith – the removal of sanctions and relations entirely would prompt Iran to reduce its nuclear enrichment and limit the proliferation of its nuclear infrastructure. As noted, by failing to remove these sanctions or to continue on in hostilities with Iran, the nuclear threat posed will continue to grow. If Iran would come to see the US, and by virtue its allies, as non-hostile, this option could

¹⁷ Andrea Berger, “A House Without Foundations: The North Korea Sanctions Regime and Its Implementation.” *The Royal United Services Institute for Defence and Security Studies: Whitehall Report*, no. 3-17 (June 2017): 1

¹⁸ Parisa Hafezi and John Irish, “U.S. Reluctance to Lift Sanctions Main Hurdle to Reviving 2015 Pact, Iran Official Says.” Reuters. Thomson Reuters, December 5, 2021. <https://www.reuters.com/world/china/us-reluctance-lift-all-sanctions-main-obstacle-reviving-2015-pact-iranian-2021-12-05/>.

bring about the desired outcome. As such, if this outline were to be actualized, all immediate relations and penalties would need to cease.

On face-value, this approach seems rational. The age-old adage, ‘why should the US concern itself with problematic foreign relations’ was popular throughout the post-WWI period. While this strategy ultimately ceased in the face of WWII, it can be argued that US isolationist tendencies were the correct route for the country to follow. In theory, if by removing sanctions and ‘minding its own business,’ the US could halt the threats against its interests, why risk escalation or another disastrous cycle of foreign policy debacle?

This approach, even with these stated alterations and motifs, remains problematic. Operating in a negative context – withdrawing and removing sanctions – has a cost. The US would surrender its ability to stop the threat posed by Iran’s nuclear program. Likewise, these assumptions – that Iran would reduce its uranium enrichment and limit nuclear proliferation – rely entirely upon the premise that US behavior is near sole responsible for Iran’s foreign and international policies. This premise, at best, is only partially accurate. There is no guarantee that Iran would halt the ongoing buildup of its nuclear capability, and even fewer indications that Iran would slow its ballistic missile development and its hostilities with US allies in the region.¹⁹ Such ‘assets,’ as the regime sees these actions, allows for a greater sphere of influence in combating the Saudi Arabian and Israeli regional powers, beyond even any deterrence against the West.²⁰ As such, the threat posed to our regional allies – namely Israel and much of Europe – is unlikely to subside. These potential consequences represent a steep cost for this option.

¹⁹ Release: Bipartisan group of 21 members raise concerns about potential Iran deal. *PRESS RELEASES*, March 10, 2022. The United States House of Representatives. <https://gottheimer.house.gov/news/documentsingle.aspx?DocumentID=3074>.

²⁰ The Editors. “Iran and Saudi Arabia Battle for Supremacy in the Middle East.” *World Politics Review*, February 9, 2022. <https://www.worldpoliticsreview.com/insights/27875/israel-iran-saudi-arabia-battle-for-supremacy-in-the-middle-east>.

Although this is listed as one of the four possible options, and despite sanctions still being in effect, it remains largely current policy. Since the 2018 withdrawal from the JCPOA under the Trump Administration, the Biden Administration has maintained the status-quo. Although talks are ongoing, or are being attempted using the Russian Federation as a mediator, no concrete or even tentative agreement has been reached. Over the past four years, we have seen the fruits of this strategy. Iran has increased uranium enrichment, advanced ballistic missile technology, and there are ongoing threats and hostilities. To put simply, it has not worked and cannot be misconstrued to be an effective outline for the future. To continue this policy would leave the potential for history to repeat itself in the form of the successful nuclear hedging example performed by North Korea. Even in face of several alterations – namely removing sanctions – the consequences, the continuance of Iran’s actions, would be unacceptable to US security and interests. As such, this option is perhaps the worst possible route for the US to pursue, as there is no indication that any of the immediate, or future, nuclear threats would subside as a result.

Option II: Diplomacy

In contrast to the more isolation-minded approach expressed previously, *Option II* represents a swing back toward diplomacy. Although the current situation with Iran represents four years of noncompliance and hostility, an international agreement could alleviate many of the threats posed by the regime.

Although the original JCPOA was controversial, a result of its failure to address ballistic missile and terrorism threats, the deal did regulate and/or limit Iran’s nuclear capabilities. It placed a limiting centrifuge efficiency metric, capped uranium enrichment, and required international inspection of Iranian nuclear facilities. These constraints were logically sound. If

such a deal could be reinstated, or renegotiated in more favorable terms, would this represent the best policy option? Even if not based upon the pretenses of the previous JCPOA agreement, it appears that Iran is willing to come to the table. This hypothesis has been tested – being evidenced by ongoing talks between Iran and Saudi Arabia – in addition to conglomerate and separate negotiations with the Russian Federation and other European world powers.²¹

To answer this question, it is important to address Iran’s ultimate motivation. Although it is unclear as to if Iran has come to a conclusion on whether or not to manufacture a nuclear weapon, in face of the current situation, Iran is undeniably ‘biding its time’ by gradually increasing its nuclear capabilities. This lack of a clear decision leaves the potential to influence the mindset of the regime through negotiation. On the contrary, such nuclear hedging could be more indicative of Iran’s ultimate motivations – the creation of a nuclear weapon – if such forms of diplomacy are unsuccessful, or regardless.

While this policy could be pursued, the reality is that a new deal would appear dramatically different to its predecessor. In 2015, when the JCPOA was signed, Iran’s nuclear capabilities were radically less developed than they are today. The point of the deal was to lengthen the time it would take for Iran to make a nuclear weapon. Today, the same deal would be effectively pointless. US negotiators currently see Iran’s nuclear program as being too advanced to restore the goals of the JCPOA.²² This is evidenced in Iran having the ability to make a nuclear weapon in less than a year.²³ There can be no return to the JCPOA. At best, the diplomatic option can only provide a new agreement, if anything.

²¹ “Saudi Arabia Hopes to Reach Agreement with Iran - Crown Prince.” Reuters. Thomson Reuters, March 3, 2022. <https://www.reuters.com/world/middle-east/saudi-arabia-hopes-reach-agreement-with-iran-crown-prince-2022-03-03/>.

²² Laurence Norman, “U.S. Sees Iran's Nuclear Program as Too Advanced to Restore Key Goal of 2015 Pact.” The Wall Street Journal. Dow Jones & Company

²³ Ibid.

Following the Iranian presidential election of 2021, a different negotiating team arrived in Vienna with additional demands to the JCPOA and an offer of fewer concessions than its predecessors.²⁴ The regime demands the immediate easing of all US sanctions prior to resuming formal talks.²⁵ All current negotiations – if such a term can correctly describe what is ongoing – are being conducted by the Russian Federation, rather than any US team. This, taking into account the current war in Ukraine in which the US is providing arms support to fight Russia, makes the potential for success unlikely.

This debacle is not the only issue with negotiations. Following the 2015 JCPOA, Iran continued to advance both its ballistic missile technology and its funding of terrorist groups across the region. While these stipulations were not included in the JCPOA itself, the continual alleged violation of international law through Iran’s testing of ballistic missiles – missiles designed predominantly for use in delivering atomic warheads – represent a clear antagonism to any form of agreement made to limit nuclear capability.²⁶ Further, the funding and sponsorship of terrorist groups such as Hezbollah, Palestinian terrorist groups in Gaza and the West Bank, various terrorist groups in Syria, Iraq, and throughout the Middle East – including its internal Islamic Revolutionary Guard –²⁷ remain undeniable evidence of Iran’s continued goal to combat US and allied interests well beyond the time a formal agreement would be reached. Asked

²⁴Barbara Slavin, “Iran Offers Less for More as Vienna Talks Stall.” Atlantic Council, December 6, 2021. <https://www.atlanticcouncil.org/blogs/iransource/iran-offers-less-for-more-as-vienna-talks-stall/>.

²⁵Joe Gambrell, “Negotiations to Revive Iran Nuclear Deal on 'Pause' after Russia Demands Sanctions Relief.” PBS. Public Broadcasting Service, March 11, 2022. <https://www.pbs.org/newshour/world/negotiation-to-revive-iran-nuclear-deal-on-pause-after-russia-demands-sanctions-relief>.

²⁶Farnaz Fassihi and Jane Arraf, “Missiles Fired from Iran Hit near U.S. Consulate Site in Iraq.” The New York Times. The New York Times, March 13, 2022. <https://www.nytimes.com/2022/03/13/world/asia/iran-missiles-us-consulate-iraq.html>.

²⁷Louis Charbonneau, “Iran's October Missile Test Violated U.N. Ban: Expert Panel.” Reuters. Thomson Reuters, December 16, 2015. <https://www.reuters.com/article/us-iran-missiles-un-exclusive/irans-october-missile-test-violated-u-n-ban-expert-panel-idUSKBN0TY1T920151216>.

simply, is an agreement truly possible if, by all historical precedence, hostilities are guaranteed to go on?

In a similar act of hostility, Iran has recently taken action to pressure the US into further concessions *via* a show of force. In March of 2022, Iran launched over a dozen missiles to sites surrounding the US Consulate in Iraq. Scapegoating the attack as an affront to “the strategic center of the Zionist conspiracies in [Iraq],”²⁸ this feat represents a further power manipulation against the US. A basic analysis of this, when coupled with the insisted and continual US reliance on Russia to act as a mediator, shows Iran holding *all* of the negotiating chips, while acting presumptuous with and baiting the current US administration.

In this context, to engage in talks of diplomacy, is to give up entirely. Any negotiation including Russia is, or should rationally be, a non-starter. Similarly, any Iranian preconditions to resuming diplomacy, such as the easing of sanctions, jeopardize any form of remaining leverage held by the US. If diplomacy were to resume, the necessary condition required must include individual talks between the two states and a limit on ballistic missile capacity. Iran must recognize that there will be a requirement to downgrade its centrifuge technology, its uranium enrichment percentage, and its overt hostilities in matters of negotiation. This, although logical and the only viable step toward a mutually beneficial conclusion, will simply not occur. Thus, as it currently stands, the Iranian refusal to meet with US diplomats, its acts contrary to good faith, and its use of a totalitarian state as a conduit leave any hope at a substantive agreement laughable. As such, it appears that pursuing this option would leave Iran with the ability to build a nuclear weapon – an unacceptable outcome.

²⁸ Bureau of Counterterrorism, Country Reports on Terrorism 2019: Iran § (2019).

Option III: Targeted Strike to Destroy Nuclear Facilities & Capabilities

Prior to such a discussion on explicit military action, it is important to recognize the effect that Iran developing a nuclear weapon would act as a catalyst for – *why* such a policy is needed. The proliferation of a nuclear arms race in the Middle East, the likely outcome, remains among the greatest strategic, and security, concerns for the US, its European allies, and all nation-states in the region. The destruction caused by such an event can be easily compared to similar instances that have already occurred:

In response to the construction of nuclear weapons by India, Pakistan developed its own nuclear weapons program – ultimately culminating in the countries developing 156 and 165 bombs respectively.²⁹ This proliferation has led to the potential for nuclear war on several instances – most recently occurring in 2019, following an alleged Pakistani terrorist suicide bombing on a police barracks in India, which led to several airstrikes and eventual threats of nuclear attack and reprisal.³⁰ Similarly, in response to the decades of North Korean nuclear weapons stockpile and continual threats of destruction, an ‘overwhelming’ amount – 71 percent – of South Koreans now wish to develop their own nuclear weapons.³¹ While this appeal can likely be contained, and the current relationship between India and Pakistan is not one of immediate annihilation, if Iran were to develop nuclear weapons in the Middle East, there is not even the slightest of guarantees that the Saudis, the Emirates, and others would not respond in similar fashion. This much has been explicitly stated by the Saudi Arabian Crown Prince –

²⁹ Nuclear weapons by country 2022. Accessed April 7, 2022.

<https://worldpopulationreview.com/country-rankings/nuclear-weapons-by-country>.

³⁰ Jeffrey Lewis, “‘Night of Murder’: On the Brink of Nuclear War in South Asia.” The Nuclear Threat Initiative. NTI, March 28, 2022. <https://www.nti.org/analysis/articles/night-murder-brink-nuclear-war-south-asia/>.

³¹ Michelle Ye Hee Lee, “South Koreans Overwhelmingly Want Nuclear Weapons to Confront China and North Korea, Poll Finds.” The Washington Post. WP Company, February 22, 2022. <https://www.washingtonpost.com/world/2022/02/21/south-korea-nuclear-weapons/>.

“without a doubt, if Iran developed a nuclear bomb, we would follow suit as soon as possible.”³²

Consequently, to avoid this outcome, a total destruction of nuclear capability – including facilities, centrifuges, and uranium stores – is of the absolute necessity.

As discussed, it appears that neither inaction nor diplomacy will achieve the desired policy outcome. The desired outcome – an end to the nuclear threat posed by the Iranian regime – can only be achieved *via* military action. This unfortunate reality is a direct result of both the pendulum swing of US action on Iran, and the Iranian disregard of US influence. In this case, we will examine the policy option of destroying any and all Iranian nuclear capabilities.

If achieved, the destruction of said means would accomplish two things: (i) the crippling of Iranian nuclear infrastructure, potentially indefinitely, and; (ii) the sending of a decisive message to Iran and the world that the US will not tolerate nuclear proliferation among rogue nations.

The US has the potential to effectively denuclearize Iran through various means. One option could be reminiscent of the previous Stuxnet computer virus. Developed and conducted as a joint operation between US intelligence and the Israeli Mossad/Unit 8200, the virus led to the covert destruction of 984 uranium enriching centrifuges, which constituted a 30 percent decrease in enrichment efficiency.³³ This virus worked so efficiently, that the gradual destruction of centrifuges went unnoticed for years, prior to its eventual discovery. If such an option were to be employed again, the US would, in theory, have the ability to destroy *all* centrifuges simultaneously rather than in a slow and covert manner.

³² “Saudi Arabia Pledges to Create a Nuclear Bomb If Iran Does.” BBC News. BBC, March 15, 2018. <https://www.bbc.com/news/world-middle-east-43419673>.

³³ Michael Holloway, “Stuxnet Worm Attack on Iranian Nuclear Facilities.” Stanford Coursework. Stanford University, July 16, 2015. <http://large.stanford.edu/courses/2015/ph241/holloway1/>.

While this specific idea could achieve a destruction of centrifuges, it would not be the most practical in terms of destroying *all* major nuclear capabilities. In addition, while it has exhibited a successful historical precedent, there is no guarantee that a similar virus could be employed this time around. This is due to reports of Iran responding to Stuxnet by strengthening its cyber capabilities to disrupt or inhibit enemy communication systems³⁴ while working to defend its own mechanisms. If these countermeasures have truly strengthened the Iranian facilities, they could make this approach impractical, at best. Likewise, the potential remains for Iran to simply buy more centrifuges on the international market.

As such, in order to have the best probability of success in destroying not only the centrifuges but *all* major nuclear capabilities, the US would have to employ a much more overt methodology – a combination of military air and drone strikes. This would constitute an air campaign aimed at nuclear infrastructure. The use of such air power would represent the most effective way to achieve denuclearization without deploying US ground forces.³⁵ This would work to limit the human cost of the operation, while giving a more destructive edge in eventual outcome.

This outline is not without historical precedent. In 1981, the Israeli military conducted an airstrike, codenamed Operation Opera, to destroy the Osirak Nuclear Reactor in Iraq.³⁶ In a similar fashion, in 2007 the Israeli military conducted a bombing raid, codenamed Operation

³⁴ Andrea Shalal-Esa, “Iran Strengthened Cyber Capabilities after Stuxnet: U.S. General.” Reuters. Thomson Reuters, January 18, 2013. <https://www.reuters.com/article/us-iran-usa-cyber/iran-strengthened-cyber-capabilities-after-stuxnet-u-s-general-idUSBRE90G1C420130118>.

³⁵ “Good Atoms or Bad Atoms?” *Watson Institute for International Studies, Brown University: The Choices Program*, n.d., 2.

³⁶ Brandon Sutter, “Operation Opera.” Stanford University, March 13, 2016. <http://large.stanford.edu/courses/2016/ph241/sutter2/>.

Outside the Box, in which 18 tons of explosives were dropped on the Deir ez-Zour nuclear facility in Syria, fully destroying the site.³⁷

Perhaps most importantly, in terms of potential retaliation, we learn the greatest insight. Following the attack in Iraq, despite severe international condemnation, there was no major outbreak of violence.³⁸ Following the attack in Syria, despite reports of the nation placing long-range missiles equipped with chemical warheads on alert,³⁹ there was never a direct counterattack. This is not to say that a similar attack on Iran would have the same result – but perhaps there are lessons to be learned from these situations. Perhaps a crippling and sudden attack acts as both a means to destroy a particular infrastructure *and* as an effective deterrent.

Although these strikes may have the potential for achieving the outlined goals, there are several drawbacks and potential contingencies. While previous examples of this type of operation were mentioned, neither were as advanced and technical as this sort of strike would have to be. Iran, having built up its nuclear program over a period of several decades, is more than likely to have distributed materials, plans, and facilities throughout its territory. According to Bruce Riedel, a former Defense Department official and current Brookings Institution analyst, “it is highly unlikely all the critical sites are known to U.S. and Western intelligence services, so parts of the program would doubtless survive, perhaps even the most critical elements.”⁴⁰

Additionally, it is likely that many of the Iranian facilities are reinforced and/or hidden deep

³⁷ Stephen Farrell, “Israel Admits Bombing Suspected Syrian Nuclear Reactor in 2007, Warns Iran.” Reuters. Thomson Reuters, March 21, 2018. <https://www.reuters.com/article/us-israel-syria-nuclear/israel-admits-bombing-suspected-syrian-nuclear-reactor-in-2007-warns-iran-idUSKBN1GX09K>.

³⁸ Joshua Kirschenbaum, “Operation Opera: An Ambiguous Success.” *Journal of Strategic Security* 3, no. 4 (December 2010): 49–62. <https://doi.org/10.5038/1944-0472.3.4.3>.

³⁹ Ronen Bergman, “Wikileaks: Syria Aimed Chemical Weapons at Israel.” Ynetnews. June 14, 2011. <https://www.ynetnews.com/articles/0,7340,L-4056748,00.html>.

⁴⁰ Kristin Roberts, “Any U.S. Strike Might Not Destroy Iran Nuclear Sites.” Reuters. Thomson Reuters, February 23, 2007. <https://www.reuters.com/article/us-iran-usa-military/any-u-s-strike-might-not-destroy-iran-nuclear-sites-idUSN2344821820070223>.

within the earth. This would make them, potentially, resistant to even the best of non-nuclear US ‘bunker-buster’ bombs.⁴¹ In short, if such a strike were to occur according to this speculation, an unsuccessful operation could result in a major escalation of tensions.

In terms of this scenario, Iran would likely attack US and European bases throughout the Middle East, unleash its terrorist proxies – namely Hezbollah in Lebanon and Syria, alongside its Yemeni allies – on Israel and Saudi Arabia, and work to rapidly revamp its nuclear program from the remaining infrastructure. Because of this, this option would quickly escalate from a targeted series of strikes aimed at destroying nuclear capabilities, to a full-out war across the region. This war, being outside the scope of the original operation, would be disastrous for all parties involved. The US, believing the operation to be swift, would not be mobilized to fight a prolonged conflict – while Iran and the rest of the region would erupt in instantaneous bloodshed.

No matter what, the US would need to come to the realization that, unlike the isolated Israeli strikes, the Iranian airstrikes would have to represent a continual campaign. If a facility were to be left undamaged, in part or whole, it would have to be struck again. If additional intelligence indicated a previously unknown facility, it would have to be attacked. Likewise, this strategy becomes more akin to an aerial war than to a series of individual actions.

With the general benefits and drawbacks of this option presented, it appears that this policy would have to be backed by either a near-perfect awareness of Iranian nuclear facilities or the wherewithal to sustain a prolonged air campaign and resulting consequences. If the US is capable of such intelligence or willing to endure a prolonged military engagement, the operation

⁴¹ “Iran Nuclear Sites May Be beyond Reach of ‘Bunker Busters.’” Reuters. Thomson Reuters, January 12, 2012. <https://www.reuters.com/article/us-iran-nuclear-strike/iran-nuclear-sites-may-be-beyond-reach-of-bunker-busters-idUSTRE80B0WM20120112>.

might be successful. Aside from the potential to ignite the Middle East into sudden violence, nearly all of Iran's leverage would be diminished either immediately or gradually over time. On the other hand, if the operation were to be a failure, a direct result of either of these two requisites lacking, the US would have brought itself into its third short-sighted war in a period of two decades.

This option has the potential to work similarly to historical examples. However, it leaves open far too much room for failure. This represents a high level of uncertainty.

Option IV: Invasion to Force Regime Change

Today, the actions taken by Iran – the increased enrichment of uranium, ballistic missile advancement, and threats of destruction – are no longer a mere game of ‘chicken,’ they are now akin to a mad dog running loose. Iran's strategy of nuclear hedging has led to this paradigm. In previously identifying the flaws in the status-quo, in pseudo-isolationism, and in diplomacy, what is left? It appears that the policy option most likely to alleviate the threat of Iran's emergence as a nuclear-weapons state, is one of invasion to force regime change.

I will not pretend that the prospect of regime change is one of great historical success – it is not. An overwhelming amount of research has shown that regime change rarely succeeds in producing improved economic conditions, developing lasting democracy, or promoting more stable relations to advance US interests.⁴² The US has repeatedly failed in its attempts to achieve these goals – most notably, and recently, being in Afghanistan. Yet, perhaps counterintuitively, an actual success in regime change would be nothing more than an idealized outcome – not the actual goal. If the strategy of *Option III* was to destroy all nuclear capacity, this option would

⁴² Benjamin Denison, “Opinion | Regime Change Rarely Succeeds. When Will the U.S. Learn?” The Washington Post. WP Company, January 9, 2020. <https://www.washingtonpost.com/opinions/2020/01/09/regime-change-rarely-succeeds-when-will-us-learn/>.

accomplish that and more. A new, more friendly government, would simply be an added bonus to the entire destruction of both nuclear capacity and the governmental infrastructure capable of retaliation.

Before this can be endorsed, it is important to recognize the inherent problems involved in any potential invasion, beginning with geography. According to the intelligence firm Stratfor, “Iran is a fortress. Surrounded on three sides by mountains and on the fourth by the ocean [which makes it] extremely difficult to conquer.”⁴³ Any sort of incursion would place US troops at a distinctive disadvantage, as such geographic limitations would make it difficult to mobilize troops en-masse, which would be needed to physically occupy the country.

Beyond physical limitations, Iran is well-equipped with defensive measures. According to Hadi Ajili and Mahsa Rouhi in *Iran’s Military Strategy*, Iran maintains the use of effective mobile and fixed air defense systems, including the new Seveom-e-Khordad defense system.⁴⁴ This system, in particular, was used to shoot down the Northrop Grumman RQ-4 Global Hawk US reconnaissance drone in June of 2019.⁴⁵ This drone, which costs around 176 million USD per unit, flies above 60,000 feet, making it extraordinarily difficult to shoot down. According to Amy Zegart, a fellow at Stanford University’s Freeman Spogli Institute of International Studies, “the fact that Iranians were able to shoot [the drone] down shows that they have some pretty significant capabilities ... [signaling] that Iran is more capable than we might have assumed.”⁴⁶

⁴³ Zachary Keek, “Why America Should Never Even Think about Invading Iran.” *The National Interest*. The Center for the National Interest, March 13, 2021. <https://nationalinterest.org/blog/reboot/why-america-should-never-even-think-about-invading-iran-180088>.

⁴⁴ Hadi Ajili, “Iran’s Military Strategy.” Essay. In *Survival: Global Politics and Strategy December 2019-January 2020* 61, edited by Mahsa Rouhi, 6th ed., 61:139–52. IISS, 2019.

⁴⁵ Tara Law, “Iran Shoots down U.S. Drone: What to Know about the RQ-4 Global Hawk.” *Time*. Time, June 21, 2019. <https://time.com/5611222/rq-4-global-hawk-iran-shot-down/>.

⁴⁶ *Ibid.*

Given this, if the US were to launch an air campaign, it is likely that there would be more aircraft losses than anticipated and the operation would cost more than simple fuel and munitions.

According to the DIA Iran Military Power Report of 2019, although Iran lacks a modern air force, “Iran has embraced ballistic missiles as a long-range strike capability to dissuade its adversaries in the region – particularly the United States ... from attacking.”⁴⁷ These missiles, which represent the largest stockpile in the region, have been produced to strike both short and long range targets. In terms of defending against invasion, Iran would likely deploy its most accurate variant – the Fateh-110 SRBM⁴⁸, which would be used to effectively strike US troop transports and supply lines.

In terms of direct-contact defense, Iran has employed a guerrilla strategy aimed at preventing access to the country through maritime routes. The core of this strategy, aside from the previously mentioned missile deterrents, is composed of “fast attack craft (FAC) and fast inshore attack craft (FIAC), naval mines, [and] submarines,”⁴⁹ according to the DIA Iran Military Power Report of 2019. These mechanisms would work to envelop US battleships and carriers – acting as an effective deterrent and retardation for troop deployment. This strategy mirrors the findings of the Millennium Challenge of 2002 (MC02) – a major war-game operation held by the US to simulate a war with Iran. In the exercise, and according to a report, a simulated Iran “unleashed a barrage of missiles from ground-based launchers, commercial ships ... [and] swarms of speedboats loaded with explosives launched kamikaze attacks ... [which resulted in US forces being] quickly overwhelmed, and 19 U.S. ships were sunk, including [an aircraft]

⁴⁷ Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance 2019 § (2019). 30.

⁴⁸ Ibid, 31.

⁴⁹ Ibid, 32.

carrier.”⁵⁰ This represents a defense plan built on empirical analysis and successful historical precedent – making it a formidable opponent to any likely route of US, or other, invasion.

Along with defense mechanisms and strategy, Iran maintains a standing military of over 500,000 personnel. The military is largely split into the Islamic Republic of Iran Ground Force (IRIGF) – ~350,000 personnel – and the Islamic Revolutionary Guard Corps Ground Force (IRGCGF) – ~150,000 personnel.⁵¹ The ground forces are equipped with ~1900 tanks, ~2600 armored vehicles, ~2900 towed artillery, and thousands of additional rocket launchers and small-arms.⁵² As such, the Iranian infantry represents a sizable and decently armed force of combatants, who would work to fight US ground forces during a potential invasion. This highlight of strategies, weaponry, and military personnel is not to say that an invasion would not be successful, but it is to emphasize the logistics that make this sort of operation more complex than similar instances.

The 2003 US invasion of Iraq represents such a conflict against a military similar in scale – being estimated at ~400,000.⁵³ Despite this, according to Jonathon Romaneski of The Ohio State University, “within only twenty-one days’ time [Iraq’s army] dissipated in the face of an invasion force just over [sic] half its size.”⁵⁴ Although the war eventually ended in debacle, the initial invasion represented one of the US military’s greatest successes following the second

⁵⁰ Micah Zenko, “Millennium Challenge: The Real Story of a Corrupted Military Exercise and Its Legacy.” War on the Rocks. Texas National Security Review, November 5, 2015. <https://warontherocks.com/2015/11/millennium-challenge-the-real-story-of-a-corrupted-military-exercise-and-its-legacy/>.

⁵¹ Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance 2019 § (2019). 72-74.

⁵² Ibid, 75.

⁵³ Sharron Otterman, “Iraq: Iraq's Prewar Military Capabilities.” Council on Foreign Relations. Council on Foreign Relations, February 3, 2005. <https://www.cfr.org/background/iraq-iraqs-prewar-military-capabilities>.

⁵⁴ Jonathon Romaneski, “The U.S. Invasion of Iraq, 16 Years Later.” Origins: Current Events in Historical Perspective. The Ohio State University, March 1, 1970. https://origins.osu.edu/milestones/march-2013-us-invasion-iraq-10-years-later?language_content_entity=en.

World War. In spite of this, and perhaps most importantly, it must be recognized that, unlike any potential Iran invasion, the US was able to deploy troops with ease. Although initial plans to stage an invasion from Turkey failed, the US positioned troops in Kuwait, which shared an easily traversable border with Iraq.⁵⁵ As such, a relatively ‘small’ invasion force of only 125,000 to 200,000⁵⁶ troops were enough to fully cripple the Iraqi military and government. An invasion of Iran would likely require, at minimum, nearly double that – a result of the need for reinforcements to guard troop deployments over disadvantageous terrain.

In addition to the logistical difficulties involved in the actual movement of troops, there is the size of Iran to take into account. In similar reasoning to the concern over whether or not the US can accurately locate each of Iran’s nuclear facilities, the same is true for any occupying force to capture; the country is big. Iran is effectively 3.8 times larger, in geographic area, than Iraq.⁵⁷ Similarly, Iran has a population of about 85,000,000 people, compared to the somewhat meager about 41,000,000 people living in Iraq.⁵⁸ This presents additional difficulty in both conquering and occupying the area – a further need for far more troops than the similar invasion of Iraq.

In order to successfully maintain stability in a country, an occupation force – post-initial conflict – must have a basic ratio of troops to civilians. According to a RAND study by military analyst James Quinlivan, the bare minimum ratio to provide security for the inhabitants of an

⁵⁵ Joel D. Rayburn and Frank K Sobchak, Jeanne F Godfroy, Matthew M Zais, Matthew D Morton, and James S Powell, “Deployment of the Invasion Force.” Essay. In *The U. S. Army in the Iraq War: Volume 1: Invasion - Insurgency - Civil War, 2003-2006* 1, 1:62. United States Army War College Press, 2019.

⁵⁶ “Timeline: Invasion, Surge, Withdrawal; U.S. Forces in Iraq.” Reuters. Thomson Reuters, December 15, 2011. <https://www.reuters.com/article/us-iraq-usa-pullout/timeline-invasion-surge-withdrawal-u-s-forces-in-iraq-idUSTRE7BE0EL20111215>.

⁵⁷ “Size of Iraq Compared to Iran.” MyLifeElsewhere. Accessed April 7, 2022. <https://www.mylifeelsewhere.com/country-size-comparison/iraq/iran>.

⁵⁸ “Country Comparison Iran: Iraq.” Worlddata.info. Accessed April 7, 2022. <https://www.worlddata.info/country-comparison.php?country1=IRN&country2=IRQ>.

occupied territory, while maintaining the ability to counter an active insurgency, is 1:50.⁵⁹ This ratio was derived from previous US engagements. This figure contrasts dramatically with the amount of coalition forces deployed in the previous example of Iraq, which amounted to 6.3 per 1000.⁶⁰ According to the Brookings Institution, in order to achieve a ratio of twenty troops to one thousand people (the same equivalent as the aforementioned 1:50), Iraq would require about 450,000 troops⁶¹ – which was never the scenario. Perhaps this lack of necessary ratio is what prompted the eventual cataclysm of the 2003 Invasion of Iraq.

Given these difficulties, any form of invasion would rely on the necessary condition of a sustained air campaign – lasting the entirety of the operation until eventual occupation – as a prerequisite to any troop deployment. As the geographical and natural boundaries of the country – namely its mountainous topography⁶² – inhibits the en-masse migration of troops, such deployments are at risk of ambush and attack without having sufficient reinforcements to properly defend themselves. Similarly, in the case of an amphibious assault, Iran could opt to, or attempt to, close the Strait of Hormuz⁶³ – a strategic ‘choke point’ involving access to the Persian Gulf, where a landing would be staged and much of the global oil shipping runs through.

⁵⁹ Stephen Budiansky, “A Proven Formula for How Many Troops We Need.” *The Washington Post*. WP Company, May 9, 2004. <https://www.washingtonpost.com/archive/opinions/2004/05/09/a-proven-formula-for-how-many-troops-we-need/5c6dbfc9-33f8-4648-bd07-40d244a1daa4/>; James T. Quinlivan, “Force Requirements in Stability Operations.” *The US Army War College Quarterly: Parameters* 25, no. 1 (1995). <https://doi.org/10.55540/0031-1723.1751>.

⁶⁰ Peter J.P. Krause, “Troop Levels in Stability Operations: What We Don’t Know.” *MIT Center for International Studies: Security Studies Program*, February 2007, 1–10. <https://doi.org/617.253.1965>.

⁶¹ Kenneth M. Pollack, “The Seven Deadly Sins of Failure in Iraq: A Retrospective Analysis of the Reconstruction.” Brookings. Brookings Institution, May 10, 2017. <https://www.brookings.edu/articles/the-seven-deadly-sins-of-failure-in-iraq-a-retrospective-analysis-of-the-reconstruction/>.

⁶² “The Geopolitics of Iran: Holding the Center of a Mountain Fortress.” Stratfor. RANE, December 16, 2011. <https://worldview.stratfor.com/article/geopolitics-iran-holding-center-mountain-fortress>.

⁶³ Rockford Weitz, and Tufts University. “Explainer: Could Iran Close the Strait of Hormuz?” *Navy Times*. Navy Times/Tufts University, January 8, 2020. <https://www.navytimes.com/news/your-navy/2020/01/08/explainer-could-iran-close-the-strait-of-hormuz/>.

To limit these contingencies, a US air campaign would require a massive effort. According to Anthony Cordesman, the Emeritus Chair in Strategy at the Center for Strategic and International Studies, “an initial U.S. strike will require a large force allocation consisting of ... the main Bomber Force, the Suppression of Enemy Air Defense System, Escort aircraft for the protection of the Bombers, Electronic Warfare for detection and jamming purposes, [and] Fighter Sweep and Combat Air Patrol to counter any air retaliation by Iran.”⁶⁴ These forces, in order to both make troop deployment feasible and limit US casualties, would be required to bombard Iranian naval yards, missile launch and production sites, and military bases near any points of entry. This bombing campaign would serve a dual purpose – specifically being in ‘softening’ Iranian defenses to allow for the passage of US troops, along with following the route proposed in *Option III* – destroying nuclear infrastructure.

The direct consequences of this invasion – aside from the war itself – are similar to those expressed as a result of *Option III*: including Iran deploying its terrorist and militant groups across the Middle East and North Africa. US and allied targets would be bombarded – with the conflict likely stretching into multiple theatres: namely, Israel in Lebanon and Saudi Arabia in Yemen, *etc.*⁶⁵ This would place a direct pressure on the US to occupy the country as fast as possible – to not only achieve the destruction of the Iranian government and nuclear infrastructure but to halt hostile reinforcements leaving the area.

Additionally, and although detailed estimations are not currently available in the open-source public domain, it must be understood that the US would suffer thousands of casualties.

⁶⁴ Anthony H. Cordesman and Abdullah Toukan, “Analyzing the Impact of Preventive Strikes Against Iran’s Nuclear Facilities.” *Center for Strategic & International Studies: Burke Chair in Strategy*, September 10, 2012, 5.

⁶⁵ Tom Perry Rami Ayyub, “Lebanon's Hezbollah and Israel Trade Fire amid Iran Tensions.” Reuters. Thomson Reuters, August 6, 2021. <https://www.reuters.com/world/middle-east/rocket-sirens-sound-northern-israel-golan-heights-israeli-military-says-2021-08-06/>.

For lack of official estimates on a war with Iran, a comparison to projected casualties in the first Iraq War will be presented:

In 1990, the Joint Chiefs of Staff and the National Security Council projected between 20,000 to 30,000 US casualties in a direct conflict with Iraq.⁶⁶ Although eventual US casualties amounted to a fraction of these estimates – 298⁶⁷ – the importance lies within the decision making itself. Having been presented with these projections – the *cost* of the war – the Bush Administration ultimately decided to pursue Operation Desert Storm. The outcome being one of complete success is inconsequential. The fact that such casualties were deemed acceptable takes precedence.

Although such projections are currently unavailable for a war with Iran, given the aforementioned size and capability of the Iranian military, the geographical limitations involved in invasion, and the potential for fighting to ensue in multiple theatres, it is likely that such a conflict would be, at best, similar, if not far greater in scale, to the historical criteria used for the previous 20,000 to 30,000 casualty estimation.⁶⁸ It is likewise important to understand the condition of the Iraqi military at the time – one of recovery.

Although the Iraqi military fielded the aforementioned ~400,000⁶⁹ personnel, the nation was dealing with the aftermath of a devastating and costly war with Iran. It is important to

⁶⁶ “Potential War Casualties Put at 100,000: Gulf Crisis: Fewer U.S. Troops Would Be Killed or Wounded than Iraq Soldiers, Military Experts Predict.” Los Angeles Times. Los Angeles Times, September 5, 1990. <https://www.latimes.com/archives/la-xpm-1990-09-05-mn-776-story.html>.

⁶⁷ DCAS reports - Persian Gulf War casualties - desert storm. Accessed April 7, 2022. https://dcas.dmdc.osd.mil/dcas/pages/report_gulf_storm.xhtml.

⁶⁸ “Potential War Casualties Put at 100,000: Gulf Crisis: Fewer U.S. Troops Would Be Killed or Wounded than Iraq Soldiers, Military Experts Predict.” Los Angeles Times. Los Angeles Times, September 5, 1990. <https://www.latimes.com/archives/la-xpm-1990-09-05-mn-776-story.html>.

⁶⁹ Sharon Otterman, “Iraq: Iraq's Prewar Military Capabilities.” Council on Foreign Relations. Council on Foreign Relations,

recognize that casualty estimates from the Iran-Iraq War (1980-1988)⁷⁰ vary. This variance does not grant an opportunity to trivialize the extent of the conflict, however. It merely allows the observer to see the difference between extensive and horrendous. According to John H. Sigler in the *International Journal*, the Iran-Iraq War “ranks sixth in battle deaths among the interstate wars since 1815” – being estimated at anywhere from 500,000 to 1 million dead.⁷¹ In a similar account, the *Correlates of War Project* estimates the cost of the war to include 500,000 Iraqi and 750,000 Iranian deaths.⁷² While the exact amount of combat deaths cannot be reasonably discerned, the magnitude of the conflict – the real *cost* in human capital – is apparent. This further emphasizes that, although Iraq had a formidable military in scale, it was one that had suffered immeasurably just several years prior. Perhaps the relative *ease* of US success in the Gulf War was a direct result of these events.

The presentation of these historical casualty estimations is not to insinuate that the US would suffer casualties in the near-million range. What is implied, however, is the realistic potential for casualties beyond the aforementioned 20,000 to 30,000 range derived from the Gulf War comparison.⁷³ It must be understood that, although the Gulf War is perhaps the best comparison to base a potential US-Iran conflict on, any military exchange with Iran would involve a larger, more technologically advanced, and non-near wholly diminished by recent conflict, force. As shown by historical precedent, fighting in the geographical region surrounding

⁷⁰ Devin Kennington, Joyce Battle, Malcolm Byrne, and Magdalena Klotzbach, “Iran-Iraq War Timeline.” Edited by Kari Mirkin. The Wilson Center. The National Security Archive - The George Washington University, July 2004.

⁷¹ John H. Sigler, “The Iran-Iraq Conflict: The Tragedy of Limited Conventional War.” *International Journal* 41, no. 2 (1986): 424. <https://doi.org/10.2307/40202377>.

⁷² Charles, Kurzman, “Death Tolls of the Iran-Iraq War.” The University of North Carolina at Chapel Hill, October 31, 2013. <https://kurzman.unc.edu/death-tolls-of-the-iran-iraq-war/>.

⁷³ “Potential War Casualties Put at 100,000: Gulf Crisis: Fewer U.S. Troops Would Be Killed or Wounded than Iraq Soldiers, Military Experts Predict.” Los Angeles Times. Los Angeles Times, September 5, 1990. <https://www.latimes.com/archives/la-xpm-1990-09-05-mn-776-story.html>.

Iran has led to hundreds of thousands of deaths. While not necessarily a judgement on potential US casualties, the US must prepare itself for any eventuality. The US must be willing to sacrifice, realistically, up to several hundred thousand troops. It must ask itself – is the potential nuclear threat posed by Iran worth these *costs*?

Beyond the discussion of casualties, it is important to recognize the international impact of invading a sovereign state. Under the United Nations Charter, specifically within Articles 2(4) and 51,⁷⁴ a nation is prohibited from using force, attacking, or invading a member of the UN – of which both the US and Iran are – without the proper consent and supervision from the Security Council. Such ‘permission’ would never be granted, as Iran’s chief allies – namely China and Russia – each maintain veto power on all resolutions. Under these laws, if the US were to invade, Iran would *legally* have a right to self-defense. While these stipulations, in the case of Iranian terrorism and nuclear proliferation are laughable, the circumstances surrounding them have no bearing on codified treatise. As such, to invade would be to brazenly violate these principles of internationalism and sovereignty. While the ramifications of such an event would be limited – a result of the US additionally having veto power on the Security Council – this violation of international law would not go under the radar. Potential conflicts (whether by sanctions or other means) would likely ensue with China and Russia. These could work to inhibit US interests in the economic sphere around the globe – similar to the recent sanctioning of Russia upon its invasion of Ukraine,⁷⁵ although likely not-nearly as severe.

Nonetheless, with the chief *costs* of invading Iran presented – being the potential for severe casualties and international condemnation – the cause for action must be re-emphasized.

⁷⁴ The United Nations (U.N.), “Article 2(4)”, (1988); The United Nations (U.N.), “Article 51”, § (1945).

⁷⁵ Anton Troianovski, “Bleak Assessments of the Russian Economy.” The New York Times. The New York Times, April 18, 2022. <https://www.nytimes.com/2022/04/18/world/europe/russian-economy-bleak-assessments.html>.

Given the current reality, Iran has given every indication of its ultimate desire to produce a nuclear weapon. The overt threats of hostility, the funding of terrorism across the region, and its previously expressed goals of regional hegemony, mark this outcome as an existential threat to the security of the US and its allies. In a similar scenario to the Bush Administration seeing Iraq's successful invasion of Kuwait as an unacceptable outcome, so too must the US realize that Iran's procurement of a nuclear weapon is beyond unacceptable. While the costs of this Option are most certainly marked, the costs of inaction – or failure – are vastly higher. A hostile regime with nuclear capability threatens the global balance of power and the livelihood of the peoples within. This cannot be allowed to happen.

Transitioning – even if accomplishing these goals takes several months to a year, in contrast to the three weeks it took in the second Iraq War, the route for invasion remains possible. Although the act of 'nation-building' could involve the potential for yet another decades-long quagmire, similar to the situation in Iraq and Afghanistan – both abject failures, the immediate cessation of hostilities and nuclear threats could be accomplished in relatively quick, albeit costly fashion.

Perhaps the US does not even need to engage in 'nation building.' If a total destruction of the government and all nuclear infrastructure would lead to the accomplishment of US interests, by definition, there would be a regime change. A new regime, regardless if either friendly or hostile to US interests, would be incapable of acting in any feasible manner against the power that just leveled their predecessor. Beyond acting as an occupying force in order to maintain a subject level of law and order – including the access to emergency services, food, and other vital resources – the US could withdraw after a short period. If a hostile regime were to ever regain control, the dilapidated capacity that the country would have been left in following the war,

would make it both easy and simple for the US to return and diminish any further serious threat. This strategy could be akin to the ancient Romans ‘squashing’ temporary rebellions on the outskirts of their territories. This strategy – one of simply deploying and uprooting the existing governmental infrastructure – could markedly reduce projected casualties, as the US would likely not be committing itself to a long and exacerbated conflict. Nonetheless, and importantly, if the subsequent regime was indeed friendly, the US would have gained itself a valuable regional ally – yet this prospect is not overly important.

In short, it appears that the invasion to force regime change route would indeed accomplish each of the US’ primary goals. Any potential for a further Iranian nuclear threat would be totally destroyed and the government or infrastructure available to replenish and/or further combat US interests would no longer exist. While this option would, undeniably, result in the loss of American lives and international condemnation, it appears to be the only *definite* way to ensure the safety of both the US and its allies. As such, the severe *costs* of this Option must be recognized as necessary.

In Conclusion:

The four options presented in this paper are meant to foster a future discussion and public discourse on the topic of the Iranian Nuclear Threat. Although all ultimately flawed, as is the case in any policy proposal, such options provide an insight into the various possible routes for US action. Based on the current data, it is clear that Iranian nuclear capability is increasing. The regime has employed, and maintains, a policy of nuclear hedging. When faced with these realities, the requisite conclusion that the US *must* take concrete action to prevent the formation of a nuclear-armed Iran becomes apparent.

This urgency was proved from the preface to the first section – “The Current Situation and Future Risks.” In an initial examination of policy proposals, namely from, “Option I: Remove Sanctions & Withdraw from Relations” to “Option III: Targeted Strike to Destroy Nuclear Facilities & Capabilities,” the potential for mistakes or flawed execution became clear. The risk of Iran continuing its nuclear proliferation *via* the inaction proposed in Option I, the risk of diplomacy failing – or giving Iran greater leverage – found in Option II, and the many risks involved in Option III: unintentionally becoming entangled in a full-scale war without sufficient planning, missing or failing to destroy key targeted sites, failure to prepare for Iranian countermeasures, and allowing for the rebuilding of nuclear infrastructure – prove that a *definitive* solution to the existential nuclear threat posed by Iran, cannot be found in half-measures. As discussed at length within “Option IV: Invasion to Force Regime Change,” this route is the *only* way to ensure the security and interests of the United States and its allies. It is additionally the route with the most costs.

To misconstrue the counteracting or elimination of the nuclear threat posed by Iran as something that can be done with ease is to completely ignore reality. No matter which course of action the US pursues, there will be extensive costs. Regrettably, to fully realize its goals, the US *must* pursue the most burdensome of these costs. There can be no possibility – no potential – for Iran to either continue on or rebuild its existing nuclear infrastructure. Likewise, it must be assumed that anything that can go wrong will go wrong. The extensive risks posed in Options I-III thereby nullify their effectiveness. They are metaphorical ‘band-aids’ to the problem, not solutions. However, even with inclusion of this principle, Option IV would remain a success. The US would suffer severe casualties – potentially far more than anticipated – and be condemned internationally. Yet, the US would be secure, and the threat neutralized. Although

not likely, the US may additionally gain an ally in a new-Iranian regime. This course of action remains the only proposal impervious to many of the potential mistakes of the others. As such, it is the necessary route to combat this existential crisis and *stop* the eventuality of a nuclear-armed Iran.

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East African Participation in the Global Green Regime

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Abstract: *This research is centered around the participation of the East African Community in UN environmental treaties. It utilizes historical, political, and social developments in the region to explain differences in treaty participation. This text argues that differences in participation are tied to factors such as civil society, political stability and historical considerations. It features Rwanda, South Sudan, Tanzania, Uganda, and UN environmental treaties.*

Keywords: *East African Community, Environmental Protection, Treaty Participation*

The Global Green Regime

The global environmental protection regime, also known as the global green regime, seeks to protect biodiversity and mitigate the effects of climate change via the establishment of multilateral treaties. The United Nations has opened 18 such treaties to address environmental concerns between 1979 to 2018. Although the East African Community shares a common climate policy, there is a lack of unified participation in UN environmental treaties.

In the past year, the African continent warmed faster than the global average temperature over land and ocean combined.¹ Without increased cohesion and active participation in the environmental protection regime, the effects of climate change on the continent, especially in the East Africa region would be disastrous. The EAC now must take steps towards climate action, starting with increased participation in the environmental protection regime which would in turn lead to a more unified approach in combating climate change.

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¹ World Meteorological Society, "State of the Climate in Africa," WMO-No.1275, (2020), https://library.wmo.int/doc_num.php?explnum_id=10854

This research hypothesizes that factors such as political stability and the presence of a strong civil society were the primary differentiators for participation among East African Community members in the environmental protection regime. Despite being a “green state”, Rwanda was held back by treaty participation because of political repression and limitations on freedom of expression, which prevented civil society groups from effectively advocating for climate action. Political and social instability due to civil war was a significant obstacle to treaty participation in South Sudan. In Uganda, leaders like Hilda Flavia Nakabuye and Vanessa Nakate are part of active climate groups that put pressure on their governments and encouraged environmental treaty participation. In the case of Tanzania, environmental protection has been an integral part of its history and struggle for independence.

The East African Community and a promise of regional integration

The EAC is a regional intergovernmental organization comprised of 6 partner states in the East Africa region: the Republics of Burundi, Kenya, Rwanda, South Sudan, Uganda and the United Republic of Tanzania.² The treaty establishing the East African Community was signed on November 30th, 1999 and entered into force on July 7th, 2000 after it was ratified by the three original Partner States – Kenya, Tanzania, and Uganda.³ Headquartered in Arusha, Tanzania, the EAC’s mission is to widen and deepen economic, political, social and cultural integration to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments with the ultimate goal of becoming a political federation.⁴ In a step towards this transformation into a political federation, the community announced in 2022 that by 2024 the East African Monetary Union (EAMU) will be established,

² “EAC Overview,” East African Community, (n.d.), <https://www.eac.int/overview-of-eac>.

³ Ibid.

⁴ Ibid.

requiring a high degree of economic convergence. Although the EAC has made strides in economic integration, environment and natural resource management has not seen the same level of cohesion despite the EAC treaty outlining a common policy framework for cooperation and coordination in environmental protection. This has left the region at the mercy of climate disasters without unified adaptation and mitigation strategies.

Background: Climate change in East Africa

President Samia Suluhu Hassan of Tanzania declared that “[t]he challenges of climate change are affecting food security, livelihoods, and income of our people” adding that “our actions today determine the future of our planet in terms of climate change.”⁵ In 2020, East Africa recorded precipitation above the long-term 1981-2010 average except in northeastern Somalia, southern parts of Kenya and Lake Victoria.⁶ Flooding across the region was extremely destructive, especially in Sudan and Kenya with 285 deaths in Kenya, 155 deaths and over 800,000 people affected in Sudan.⁷ Approximately 12 percent of global displacements occurred in the East and Horn of Africa region with over 1.2 million new disaster related displacements and almost 500,000 conflict related displacements.⁸ In Burundi, 31,000 people had been displaced by climatic events.⁹

Nearly half of Africa’s population is below the poverty line and depends on climate sensitive activities such as rain-fed agriculture, herding, and fishing.¹⁰ Periods of extended

⁵ “Tanzania President Hon. Samia Suluhu Calls for Climate Change Actions at the UN Summit,” Tanzania Natural Resource Forum, (2021), <https://www.tnrf.org/en/content/tanzania%E2%80%99s-president-hon-samia-suluhu-calls-climate-change-actions-un-summit>.

⁶ Ibid.

⁷ Ibid.

⁸ World Meteorological Society, “State of the Climate in Africa,” WMO-No.1275, (2020), https://library.wmo.int/doc_num.php?explnum_id=10854.

⁹ World Meteorological Society, “State of the Climate in Africa,” WMO-No.1253, (2020), https://library.wmo.int/doc_num.php?explnum_id=10421.

¹⁰ Ibid.

droughts or floods could have catastrophic implications for African economies. Food insecurity is one of the major issues in the Eastern and Horn of Africa regions, severely exacerbated by climatic events.¹¹ According to the Global Report on Food Crises of the World Food Programme, 98 million people suffered from acute food insecurity, an increase of 40 percent from 2019.¹²

Measures of Treaty Participation and Climate Vulnerability

This research utilizes UN environmental treaties as a proxy measurement of green regime participation. Participation in such treaties is essential to climate action because they give party states access to policy frameworks, assist in the composition of cohesive plans and solutions, and create a systematic monitoring mechanism to track progress and to identify success factors. Active participation ensures that the EAC has a unified voice and presence on the international negotiation table. In order to assess climate vulnerability, this paper uses the International Monetary Fund's (IMF) INFORM Risk Index which quantifies climate vulnerability, to measure states' probability of exposure to environmental hazards, social vulnerability, and coping capacity with a range of 1-10. The values allow for a comparison of climate risks and trends between countries, with higher values indicating higher vulnerability. Most states scored above a 5 while the states with low participation scored 3.2 (Rwanda) and 6.8 (South Sudan).

Treaty Signatures and Cohesion of Policy

Many implementation strategies and projects tied to UN environmental treaties remain in progress. In 2002, EAC Partner States finalized the draft Framework for Joint Participation in and Implementation of Regional and Multilateral Environment Agreements in order to ensure the implementation of UN environmental treaties to which they are party. The EAC is also in the

¹¹ World Meteorological Society, "State of the Climate in Africa," WMO-No.1275, (2020), https://library.wmo.int/doc_num.php?explnum_id=10854.

¹² Ibid.

process of institutionalizing the Joint Participation in International Conventions and Treaties on Environment and Natural Resources Management.

Other key strategies and projects underway include the EAC Post Rio + 20 Plan of Action, and the development of regional position papers for international policy discourse on Biological Diversity, Climate Change and Disaster Risk Reduction. Finally, the EAC has made progress on an EAC Biosafety Policy framework to ensure a common policy for biosafety measures in line with the Cartagena Protocol. The aforementioned projects all remain incomplete and contribute to a lack of a collaborative approach to climate change in East Africa. If the region is to effectively combat climate change, these strategies must be implemented and institutionalized.

Struggles for the Environment in Tanzania

As the headquarters of the East African Community and one of its founding members, it is unsurprising that Tanzania is a leader in EAC participation in the environmental protection regime. Tied with Uganda, Tanzania has signed 14 UN environmental treaties, indicating the highest levels of treaty participation in the EAC. Tanzania's INFORM Risk Index value was 5.3, the second lowest of EAC Partner States. Tanzania's INFORM score indicates relatively low climate vulnerability, due to slightly more resilient communities and improved infrastructures in comparison to other Partner States. Treaty participation in Tanzania is related to the country's national identity and history of environmental struggles, illustrated by conflict with the British Colonial Empire at the Arusha National Park.

Droughts have had devastating impacts on agricultural output, food security and hydro-power generation, affecting millions of Tanzanians due to poor crop yields.¹³ Like droughts,

¹³ "Climate Knowledge Portal," World Bank Group, (n.d.), <https://climateknowledgeportal.worldbank.org/country/tanzania-united-republic/vulnerability#>.

floods affect agricultural output and food security, but they also can severely affect health systems and groundwater supplies.¹⁴ Increased precipitation creates conditions suitable for insects such as mosquitoes that transfer diseases like malaria to areas that have historically been unaffected such as Tanga, Kilimanjaro, and Arusha Highlands.¹⁵ Tanzanians also suffer from displacement due to climate disasters. In 2020, the number of cases of internally displaced persons and persons displaced due to climate disaster was 57,000.

President Hassan addressed the UN at COP26 in Glasgow, discussing the consequences of climate change on Tanzania's landscapes: "[o]ur pride, the Mount Kilimanjaro, is drastically becoming bald due to glacier melting. Our exotic and beautiful archipelago, Zanzibar, is struggling with temperature rises, saltwater intrusion and inundation, thus impacting its tourism ecology."¹⁶ President Hassan added, "we Tanzania determine to take swift actions as our inaction means risking our development agenda and prosperity, we have in place the national climate change response strategy and the nationally determined contributions aimed at reducing greenhouse gas emissions"¹⁷ Before closing her speech, President Hassan posed the question, "Excellencies, if we developing countries have shown such leadership, why are larger major countries are lagging behind?"¹⁸ In this statement, President Hassan asserts Tanzania's position as one of the leaders on climate issues. Tanzania has had a long history of environmental protection. As is true in the present day, Tanzanians have long struggled to preserve their livelihoods and natural landscapes. The natural environment and biodiversity are a strong component of Tanzania's national identity, as in the Tanzanian flag, the color blue represents the

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ "President Samia's COP26 Address in Glasgow, Scotland," *The Citizen*, filmed November 2021 at COP26, <https://www.thecitizen.co.tz/tanzania/video/president-samia-s-cop26-address-in-glasgow-scotland-3605272>

¹⁷ Ibid.

¹⁸ Ibid.

waters of Tanzania, the green is symbolic of Tanzania's fertile lands and the yellow is for the country's mineral deposits. Some examples of the importance of the environment and biodiversity in Tanzania's Coat of Arms are an elephant tusk held up by a man and a woman, a spear signifying defense of freedom, and Mount Kilimanjaro in addition to a gold portion symbolizing mineral resources, a red portion symbolizing fertile soil and a blue and white flag celebrating the seas and lakes of Tanzania.¹⁹

Tanzania's conflicts with the British colonial administration were rooted in the British Empire's desire to impose a European ideal of pristine wilderness in order to attract tourists, hunters, geologists and geographers.²⁰ One of the battlegrounds between Tanzanian communities and the British empire was Arusha National Park, in northern Tanzania. Arusha National Park embodies all of the political-ecological dilemmas facing protected areas throughout Africa, with significant clashes between the British colonial administration and Meru peasant communities who resided on Mount Meru. These natural landscapes have significant symbolic meanings to various social groups, as the African people who lived in what became Arusha National Park lived and hunted there for generations. Colonial conservation discourse centered around the "unsportsmanlike" nature of African hunting practice²¹, which led the British government to conclude that Africans could not be in charge of their own resources, and that they must be placed in the hands of state bureaucracies.²² From the earliest colonial years on Mount Meru, African people resisted natural resource laws in the Meru Forest and game reserves. African people continued to hunt, allowed their livestock to graze on land, and put enormous amounts of

¹⁹ "The National Symbols," Embassy of Tanzania in Rome, (2021), <https://www.embassyoftanzaniarome.info/en/about-tanzania/national-symbols>.

²⁰ Roderick P. Neumann, *Imposing Wilderness: Struggles Over Livelihood and Nature Preservation in Africa*, Vol. 4., (Berkeley: University of California Press, 2008).

²¹ Ibid.

²² Ibid.

pressure on the colonial government, making it difficult to enforce laws and punish violations.²³ The British tried to resolve this by recruiting Meru judges, headmen, and forest guards, but this was only met with further resistance as cases of trespass were dismissed, and guards looked the other way as villagers encroached on the reserve. These resistance efforts by the Meru people required planning, organization, and tactical movements to regain land from the reserve without the British government noticing.²⁴ The case of Arusha National Park and the resistance of the Meru people is one of many examples of Tanzania's national identity being linked to the environment.

Outspoken Leaders in Uganda

Uganda's participation in the environmental protection regime is tied for first with Tanzania in the EAC. It ratified or acceded to 14 of 18 environmental treaties. Uganda's INFORM Risk Indicator value was 5.9, only lower than South Sudan's value of 6.8 and the second highest value within the EAC. Uganda's high INFORM value is related to struggles with coping with climate disasters and weak infrastructures that are generally not well equipped to deal with climate hazards. Active treaty participation was tied to climate activists and an engaged civil society aware of Uganda's desperate situation, putting pressure on the government in order to take action.

Flooding is a significant risk to Uganda, with up to 50,000 people affected each year and losses of over USD 62 million in GDP.²⁵ Increased rainfall also causes soil erosion, water logging of crops, and crop yields,²⁶ all of which can have devastating effects on a nation that relies heavily on rain-fed agriculture. Epidemics are another natural hazard in Uganda

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

exacerbated by the effects of climate change. Much like Tanzania, increased rainfall provides a suitable habitat for insects like mosquitoes that spread malaria. With increasing temperatures, droughts occur more frequently, and this can result in human and livestock deaths as well as crop failures.²⁷ Between 2004 and 2013, 2.3 million people were affected by droughts, and drought conditions in 2010 and 2011 caused an estimated loss and damage value of USD 1.2 billion, equivalent to 7.5 percent of Uganda's 2010 GDP.²⁸

On November 30th, 2015, at the Paris Summit, Vice President Edward K. Ssekandi of Uganda stated that climate change is “one of the challenges threatening the survival of humanity and mother earth”.²⁹ Ssekandi's decision to call earth “mother” evokes family and closeness to the planet and humanizes the earth. He also declared support for the adoption of a legally-binding instrument on climate change and urged countries to make a firm commitment on reductions of greenhouse gases to meet the 2°C temperature goal.³⁰ At COP26, President Museveni of Uganda evoked religious rhetoric to emphasize the scourge of climate change and its impacts: “These sins committed by irresponsible, greedy, ignorant or anti-God rebellious Ugandan actors result in damage to the environment but also into climate change...”³¹ For President Museveni, the destruction of the environment is a sin, and Ugandan sinners need to be removed from temptation. Both Ssekandi and Museveni utilized powerful imagery and strong

²⁷ Ibid.

²⁸ Ibid.

²⁹ H.E. Edward K. Ssekandi, “Statement by H.E. Edward K. Ssekandi Vice President and Head of the Uganda Delegation at the Leaders Event of the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change/ 11th Session of the Conference of the Parties Serving as a Meeting of the Parties to the Kyoto Protocol,” Transcript written November 2021, https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/cop21cmp11_leaders_event_uganda.pdf.

³⁰ Ibid.

³¹ Yoweri Kaguta Yoweri Kaguta Museveni, “Statement by H.E. Yoweri Kaguta Museveni President of the Republic of Uganda at the 265^h United Nations Climate Change Conference (COP 26) during the World Leaders Summit,” Transcript written November 2021, https://unfccc.int/sites/default/files/resource/UGANDA_cop26cmp16cma3_HLS_EN.pdf.

language to emphasize the urgency of climate action and the severity of environmental degradation.

Uganda has made significant strides in recent years in order to combat climate change. It was the first African country to submit its NDC Partnership Plan in June 2018, and it has made significant commitments, such as reducing greenhouse gas emissions by 22 percent and building up climate resilience in vulnerable industries. A strong civil society composed of 81 NGOs with consultative status in the UN³² in addition to leadership from individuals such as Hilda Flavia Nakabuye could potentially explain Uganda's active participation in environmental protection. Hilda Flavia Nakabuye is a prominent climate activist in Uganda who started Fridays for Future Uganda in which students skip school on Fridays to protest and advocate for climate justice. Vanessa Nakate is another well-known climate activist in Uganda who has made tremendous efforts to center activists from the Global South and give them a platform.³³ At COP26, she declared, "1.2C is already hell for us. It's already destruction. It's already suffering. It's already disaster. Any rise will only make things worse" later imploring business and finance leaders to enact change for the sake of the planet.³⁴ This activism is often met with arrests from the Ugandan government, on October 22nd, 2021, six Ugandan rights campaigners were arrested for speaking out against Uganda's deal with Total, a major oil company.³⁵ In September 2020,

³² "United Nations Civil Society Participation – Consultative Status," United Nations, (2021), <https://esango.un.org/civilsociety/displayConsultativeStatusSearch.do>.

³³ "Ugandan Climate Activist Vanessa Nakate Provides a Voice for the Global South," Earth Day, (2020), <https://www.earthday.org/ugandan-climate-activist-vanessa-nakate-provides-voice-for-the-global-south/>.

³⁴ "Vanessa Nakate takes an African voice to Cop26," African Business, (2021), <https://african.business/2021/11/energy-resources/cop26-ugandas-vanessa-nakate-brings-an-african-voice-to-the-climate-crisis/>.

³⁵ "Environmental Watchdogs Slam Arrest on Uganda Activists Protesting Total Oil Project." *RFI*, Accessed October 23, 2021, <https://www.rfi.fr/en/africa/20211023-environment-watchdogs-slam-arrest-of-ugandan-activists-protesting-total-oil-project>.

Ugandan activists were also arrested for demanding further climate action.³⁶ Clashes between the police and environment activists draw attention to questions about climate change and further increase pressures on the Ugandan national government to participate in the environmental protection regime.

Political Repression in Rwanda

Rwanda's participation in the environmental protection regime was second to last for EAC members, with just 9 of 18 UN environmental treaties ratified or acceded to. Rwanda's INFORM Risk Indicator value was 4.6, the lowest of the EAC states. Rwanda was not as vulnerable to climate hazards as EAC Partner States and had stronger infrastructures and institutions that were better equipped to support communities. Treaty participation in Rwanda was relatively low, marked by struggles with political repression and limitations on freedom of speech.

Floods and droughts made up half of natural hazard occurrences in Rwanda between 1900-2018.³⁷ The most vulnerable regions to floods are in northern, southwestern, and western Rwanda³⁸ Another hazard that affects Rwanda is earthquakes. The majority of Rwanda's population is exposed to magnitude 6.0 earthquakes.³⁹ Rwanda's hilly landscape makes it susceptible to landslides with 40 percent of the population exposed to landslides due to residing in highly vulnerable areas.⁴⁰ These hazards put immense pressure on the nation's agriculture sector, which is already negatively impacted by inconsistent precipitation, extreme floods and

³⁶ Richard Wetaya, "Ugandan Police Arrest Activists Demanding Climate Action.," *Alliance for Science*, Accessed September 30, 2020, <https://allianceforscience.cornell.edu/blog/2020/09/ugandan-police-arrest-activists-demanding-climate-action/>.

³⁷ "Country: Rwanda," Climate Change Knowledge Portal, (n.d.), <https://climateknowledgeportal.worldbank.org/country/rwanda/vulnerability>.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

droughts. A large portion of Rwanda's population works in agriculture, with almost 90 percent of households practicing subsistence farming.⁴¹ Rwanda's institutional and policy framework for dealing with climate change includes the Rwanda Environment Management Authority, which oversees its three Clean Development Mechanism (CDM) projects⁴², as well as its National Urbanization Policy, Economic Development and Poverty Reduction Strategy, National Biodiversity Strategy and Action Plan, and National Strategy for Transformation.⁴³ Rwanda's momentum to create an environmental policy framework, indicates that it has made strides to combat climate change and improve infrastructures.

Despite low participation in UN environmental treaties, Rwanda's highly ambitious NDC indicates strong political will to combat climate change domestically through various policy frameworks and institutional mechanisms. Rwanda did not make a statement at the Paris Agreement, but at COP26, Prime Minister Dr. Ngirente stated that, "We are falling short of our duty to both people and the planet if we don't urgently address climate change"⁴⁴ adding that Rwanda is committed to "reducing carbon emissions by 38% in the next decade, and reach Net Zero by 2050."⁴⁵ Another indicator of Rwanda's commitment to combating climate change was the creation of Rwanda's Green Fund, which was developed to support green investments and climate resilience initiatives across the country.

⁴¹ Ibid.

⁴² James Forole Jarso, "The East African Community and the Climate Change Agenda: An Inventory of the Progress, Hurdles, and Prospects," *Sustainable Development Law & Policy* 12, no.2 (Winter): 19-24, 56-62. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1510&context=sdlp>

⁴³ "Climate Risk Profile: Rwanda (2021)," World Bank Group, (2021), https://climateknowledgeportal.worldbank.org/sites/default/files/2021-09/15970-WB_Rwanda%20Country%20Profile-WEB.pdf.

⁴⁴ Edouard Ngirente, "Republic of Rwanda National Statement World Leaders' Summit by the Rt. Hon. Prime Minister Dr. Edouard Ngirente at the 26th Conference of Parties to the United Nations Framework Convention on Climate Change – COP26/CMP16/CMA3," Transcript written November 2021, https://unfccc.int/sites/default/files/resource/RWANDA_cop26cmp16cma3_HLS_EN.pdf.

⁴⁵ Ibid.

Rwanda was one of the first countries to ban plastic bags and has been praised as a leader on green growth. As one of the fastest-growing economies in Africa, Rwanda has seen overall improvements in living standards, access to services and human development indicators.⁴⁶ The main challenges to implementation of Rwanda's policy and institutional framework for environmental challenges are poor governance, lack of transparency and insufficient coordination among government agencies. Some of the well-known environmental organizations in Rwanda include the Rwanda Environmental Conservation Organization (RECOR), Rwanda Environment Awareness Organization (REAO). Rwanda has a civil society of 53 NGOs with consultative status in the UN⁴⁷ and Rwanda's Association des Amis de la Nature (ANA – Rwanda) had observer status at COP26 in 2021. Rwanda also experiences severe limitations on freedom of expression, with civil society actors and journalists being forced to stop working on sensitive political or human rights issues.⁴⁸ Political repression is also a major issue in Rwanda with threats, intimidation, mysterious deaths, and disappearances making it difficult for opposition parties to remain active or make public comments regarding government policies.⁴⁹ It is important to note that the information on political repression in Rwanda that was encountered is limited to human rights in general and was not centered specifically on environmental concerns. In 2019 three members of the unregistered Forces Démocratiques Unifiées (FDU)-Inkingi opposition party were reported missing or found dead.⁵⁰ In September 2019, Syldio Dusabumuremyi, the party's national coordinator was found dead. In March 2019, Anselme

⁴⁶ Ibid.

⁴⁷ "United Nations Civil Society Participation – Consultative Status," United Nations, (2021), <https://esango.un.org/civilsociety/displayConsultativeStatusSearch.do>.

⁴⁸ "World Report 2020: Rights Trends in Rwanda," Human Rights Watch, (2019), <https://www.hrw.org/world-report/2020/country-chapters/rwanda#>.

⁴⁹ Ibid.

⁵⁰ Ibid.

Mutuyimana, an assistant to FDU-Inkingi's then-leader Victoire Ingabire, was found dead with signs of strangulation.⁵¹ Very few civil society organizations document and expose human rights violations by state agents.⁵² Rwandan journalist, Constantin Tuyishimire was reported missing in July while he was supposed to be on a reporting trip to Gicumbi District.⁵³ In October of 2021, Rwandan authorities arrested six people including a journalist and members of an opposition party accused of publishing rumors intended to spark an uprising.⁵⁴ Due to high levels of political repression, and limitations on freedom of the press and expression, Rwanda leaves little room for environmentalists and activist groups to put pressure on the national government.

Civil War in South Sudan

Of the EAC Partner States, South Sudan has ratified the fewest environmental protection treaties, with only 6 treaties signed out of 18. South Sudan's INFORM Risk Indicator value was 6.8, the highest of the EAC Partner States. South Sudan's communities were the most vulnerable to climate hazards, mainly because of extremely fragile institutions and a lack of effective infrastructures. Low treaty participation was tied to political instability as a result of civil war in the country, making environmental protection less of a priority.

Floods made up most of South Sudan's natural hazard occurrences between 1900-2018.⁵⁵ In addition to floods, South Sudanese are also vulnerable to epidemics such as malaria, bilharzias and sleeping sickness.⁵⁶ Flooding in South Sudan usually occurs between July and September,

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Clement Uwiringiyamana, "Six People Arrested in Rwanda, Accused of Spreading Rumours," *Reuters*, Published October 15, 2021, <https://www.reuters.com/news/picture/six-people-arrested-in-rwanda-accused-of-idUSKBN2H42C8>

⁵⁵ "Country: South Sudan," Climate Change Knowledge Group, (n.d.), <https://climateknowledgeportal.worldbank.org/country/south-sudan/vulnerability>

⁵⁶ Ibid.

leading to flooding of the Nile River tributaries.⁵⁷ In October 2021, South Sudan experienced its worst floods since 1962, with over 700,000 people negatively affected.⁵⁸ South Sudan is home to the world's third worst refugee crisis (after Syria and Afghanistan) with over 4.4 million people displaced.⁵⁹ A dependency on agriculture, oil revenues, lack of institutional capacity, and lack of mechanisms to combat the effects of climate change makes it one of the most vulnerable countries in East Africa.

On September 21st, 2021, South Sudan submitted its second NDC. South Sudan's priorities included improving environmental resource management, the promotion of sustainable nature-based tourism to protect biodiversity and provide livelihood opportunities to local communities, improve waste management, increase access to water, and improve infrastructure.⁶⁰ South Sudan's second NDC also called for an increase in the use of clean and renewable energy, with numerous energy projects such as a 20MW solar photovoltaic plant, wind turbines, Fula hydro and small hydropower plants that have yet to be implemented, mainly because of high costs and because South Sudan does not have a legal framework for its electricity sector.⁶¹ Security concerns and inter-communal conflicts are another major hindrance to South Sudan's energy projects, such as the Fula Dam project.⁶²

⁵⁷ Ibid.

⁵⁸ "U.N. Blames Worst South Sudan Floods since 1962 on Climate Change," *Reuters*, Published October 19, 2021, <https://www.reuters.com/business/environment/un-blames-worst-south-sudan-floods-since-1962-climate-change-2021-10-19/>.

⁵⁹ "South Sudan Climate Vulnerability Profile," USAID, (2019), https://www.climatelinks.org/sites/default/files/asset/document/USAID_The%20Cadmus%20Group_South%20Sudan%20Climate%20Vulnerability%20Profile%20to%20Improve%20Resilience.pdf.

⁶⁰ "South Sudan's Second Nationally Determined Contribution", South Sudan Ministry of Environment and Forestry, (2021), <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/South%20Sudan%20Second/South%20Sudan%27s%20Second%20Nationally%20Determined%20Contribution.pdf>.

⁶¹ Hellen Toby, "Energy-short South Sudan powers up – but with fossil fuels" *Reuters*, Published November 26, 2019, <https://www.reuters.com/article/us-southsudan-energy-climate-change/energy-short-south-sudan-powers-up-but-with-fossil-fuels-idUSKBN1Y01P0>

⁶² Ibid.

South Sudan's lack of participation in the environmental protection regime could be attributed to a number of developments, the most significant being political and social instability in the country, partly due to South Sudan's civil war that has been taking place since 2013. The civil war has been characterized by severe human rights abuses such as indiscriminate attacks against civilians, aid workers, unlawful killings, beatings, arbitrary detentions, torture, sexual violence, and destruction of property.⁶³ The conflict is intensified due to South Sudan's ethnic tensions. In essence, in such a war-torn country, protecting the environment is not a top priority.⁶⁴ Despite violence and political instability, climate and environment activists are still active in South Sudan amidst the violence and dangers to civilians. Numerous youth groups have come together to combine environmental protection with a call to end the brutal civil war, this has led to a social movement called #NadafaLeBeledna, which means "cleaning our nation." This group goes into South Sudan's capital city of Juba and picks up garbage everywhere they go.⁶⁵ This is especially important because South Sudan does not have an official garbage collection and disposal system, meaning that the majority of trash is left outside to rot, causing health risks for citizens. South Sudanese activists have also put pressure on the government by protesting oil facilities. Protesters blocked the doors of at least two oil companies and shut down roads and the airstrip in Palouch.⁶⁶ Efforts made by activists seem not to be quite enough to urge the South Sudanese government to participate more in the environmental protection regime, likely because of the intensity and brutality of the civil war.

⁶³ "World Report 2020: Rights Trends in South Sudan," Human Rights Watch, (2019), <https://www.hrw.org/world-report/2020/country-chapters/south-sudan>.

⁶⁴ Katharina Wecker, "South Sudan's Youth Collect Trash to Protest Civil War," *Deutsche Welle*, Published October 26, 2018, <https://www.dw.com/en/south-sudans-youth-collect-trash-to-protest-civil-war/a-45954260>.

⁶⁵ Ibid.

⁶⁶ David Mongo Danga "South Sudan Residents Protest Oil Facilities," *VOA*, Published August, 27 2020, https://www.voanews.com/a/africa_south-sudan-focus_south-sudan-residents-protest-oil-facilities/6195077.html.

Conclusion

UN Treaty participation is contingent on a number of factors, such as the strength and presence of a state's civil society and political stability. The findings in this paper suggest that if states are to participate more in environmental protection treaties, they must strengthen civil societies and give voices to concerned citizens. Mixed participation in the UN environmental treaties prevents further, more effective adaptation and mitigation strategies while incomplete implementation strategies are another obstacle to effective climate action.

Tanzania's active participation can be attributed to its role as a leader in the organization and its history of environmental protection, especially during its colonial struggle against the British Empire. Rwanda has made strides towards implementing domestic climate policies. In Rwanda, High political repression and limited freedom of the press created challenges for Rwanda's activists and civil society and made it difficult to put pressure on the Rwandan government to participate in the environmental protection regime. Uganda's comparatively high participation in the environmental protection regime is likely because of its strong civil society with a number of prominent climate activists who put immense amounts of pressure on the Ugandan government by advocating, protesting, and drawing attention to climate issues in Uganda. South Sudan was the EAC Partner state with the lowest participation in the environmental protection regime, in large part due to intense violent conflict, political repression and political instability. South Sudan's civil society is relatively weak, but climate activists remain active and make strong efforts to enact change and put pressure on their government to implement climate and environmental policy.

Moving forward, the East African Community will have to give more priority to environmental protection and develop adaptation and mitigation strategies tailored to struggles

faced within the region. UN environmental treaties are the first step towards this process, as these treaties offer policy and legal guidelines for party states. As the EAC moves closer towards a political federation, Partner States will need to uplift the voices of citizens and allow civil society actors to speak out about key issues. Other regional economic blocs will likely have to follow suit as the globe increasingly becomes affected by climate-induced disasters.

Fragmented Forests: Who Wins in Fractured Environmental Regimes?

Emma Cox*

Abstract: *Scholars have sought to explain the development of successful environmental regimes, but comparatively little attention is given to international forest law. The literature that does concern forests is primarily focused on why there still remains no forest convention in the catalog of multilateral environmental agreements or whether the vast conglomerate of hard and soft law for forests constitutes a regime complex. Following the recommendation of Giessen, this article focuses on an unexplored facet of forests and aims to determine the winners of the International Forest Regime Complex (IFRC) utilizing literature, state government and UN documents. I assert the benefactors of the IFRC transcend the traditional framework of the Global North and South as the fragmented nature of the regime complex unites the interests of states who economically and politically profit from business-as-usual (BAU) deforestation practices. The United States and Malaysia are used as empirical case studies. These cases are particularly notable considering that the two states represented the opposing sides of North and South in the failed negotiations for a forest convention in 1992. I conclude by discussing the implications for future international forest policy and decision makers addressing climate chaos.*

Keywords: *Environmental Issues, Environmental Policy, Global Warming, Sustainable Development, Forests, Climate*

Introduction

The international community has repeatedly come together since the 1972 Declaration of the United Nations Conference on the Human Environment (UNCHE)¹ to prevent the irreparable consequences of climate chaos. In 1992, the establishment of the United Nations Framework Convention on Climate Change (UNFCCC)² constructed the foundation for continued cooperation with legally and non-legally binding treaties concerning wide-ranging environmental issues. From global commons concerns regarding the ocean and air quality to issues of local-

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¹ See Appendix I for all acronyms used throughout this paper.

² “United Nations Convention on Climate Change,” Unfccc.int, accessed May 5, 2022, <https://unfccc.int/>.

cumulative importance such as desertification, the UNFCCC regime has encompassed an astounding breadth of collaboration to combat climate chaos. According to the University of Oregon’s International Environmental Agreements Database Project, there exist over 1,300 multilateral environmental agreements (MEAs).³ However, despite thirty years of institutional focus on climate change and the threats it poses for humanity’s enduring existence, not a single legally binding MEA is focused solely on forests and their ecosystems.

Forests have proven to be one of the most difficult climate facets for constructing international environmental law as they contain a multitude of complex dimensions.⁴ Forests simultaneously act as carbon sequestration sinks while protecting soil and water quality. They contribute to the biodiversity of fragile ecosystems as homes for many endangered species while holding cultural significance to indigenous communities, providing them with fuel and infrastructure. Forest extraction and resulting products allow for economic benefit, further complicating how they should be treated in international law. The international debate has decidedly focused on utilization versus conservation. The result: a vast, fragmented conglomerate of international policy on forests, including two earlier COP declarations and ten MEAs.⁵ This myriad of international instruments— some legal, others not—has recently been cemented in literature as the International Forest Regime Complex (IFRC) by Lukas Giessen of the European Forest Institute.⁶

³ “IEA Database Home,” IEA Database Home | International Environmental Agreements (IEA) Database Project, accessed May 5, 2022, <https://iea.uoregon.edu/>.

⁴ Anja Eikermann, *Forests in International Law : Is There Really a Need for an International Forest Convention?* (London: Springer, 2015), 14.

⁵ L. Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” *The International Forestry Review* 15 (1): 60–70, (2013), <https://www-jstor-org.proxy-tu.researchport.umd.edu/stable/42609423>.

⁶ Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” 60–70.

Unfortunately, despite a majority of the international community acknowledging the vital role forests play in preserving the biodiversity and livability of the Earth, the IFRC and its assortment of blurry conceptual commitments and ideals have not prevented deforestation and forest degradation in many diverse regions on the globe. In the last three centuries, forests have gone extinct in twenty-five countries while another twenty-nine countries have destroyed more than 90% of their forest cover.⁷ In just five years, from 1990 to 1995, the United Nations (UN) found, “some 65 million hectares of forest were lost in the developing world...because of overharvesting, conversion into agricultural land, disease and fire.”⁸ According to the Global Forest Watch, deforestation is once again on the rise, especially in critical, forested regions of North America, South America, and Africa as a result of commodity driven policies such as altering land use for agriculture.⁹ These crucial forests are composed largely of old-growth, primary forest, trees standing there since time immemorial. The loss, destruction, or degradation of primary forests threatens the habitat of some of the most biodiverse communities in the world. Astonishingly, botanists discovered 450 species of different trees in one acre of land in Brazil in 1993.¹⁰ While this fact might not hold much significance to the urban resident in the West, deforestation affects all of humanity—even those across the globe—due to the immense, natural capability of forests to store carbon emissions. Burning or slashing forests to alter land for commodity driven purposes contributes to the anthropogenic activities that endanger the livability of the planet.¹¹

⁷ Eikermann, *Forests in International Law : Is There Really a Need for an International Forest Convention?* 22.

⁸ Eikermann, *Forests in International Law : Is There Really a Need for an International Forest Convention?* 22.

⁹ “Global Forest Watch Homepage,” Global Forest Watch, accessed May 5, 2022, <https://www.globalforestwatch.org/>.

¹⁰ “The Message of the Trees,” *The New York Times*, published April 3, 1993, <https://www.nytimes.com/1993/04/03/opinion/the-message-of-the-trees.html>.

¹¹ “Tropical Deforestation and Global Warming,” Union of Concerned Scientists, published November 10, 2021, <https://www.ucsusa.org/resources/tropical-deforestation-and-global-warming#:~:text=When%20forests%20are%20cut%20down,percent%20of%20global%20warming%20pollution.>

Given these developments and the significant role that forests play in combating climate chaos, it is vital to analyze the current fragmented system of international forest governance and its consequences for the international community. Giessen proposes future research pathways for literature while discussing the rich scholarship on the IFRC. This paper takes up one of his many suggestions by examining the consequences of the lack of a comprehensive, hard law forest treaty.¹² I specifically investigate the winners of the existing international forest regime and argue the IFRC has allowed for states that economically benefit from the continuance of domestic, business as usual (BAU) deforestation policies to gain the most from the IFRC.

The next section provides a theoretical background by examining the scholarship on regimes and regime complexes and analyzing literature concerning power dynamics of global environmental politics. Drawing from green theory, the following sections focus on the United States and Malaysia—two states that took the negotiating helm for the North and South during the 1992 forest convention negotiations as part of the preparation for the United Nations Convention on the Environment and Development (UNCED) —and who have remained leaders in global deforestation for the last twenty years.¹³ Using the United States and Malaysia as case studies, I first examine the forest industry in Malaysia utilizing information provided by NGOs and trade organizations. I then analyze the participation of Malaysia in the IFRC and its public attitudes towards the various developments of the regime complex such as the development of the United Nations Convention on the Environment and Development (UNCED) and the UNFCCC forest program REDD+. I repeat the same procedures and methods with the United

¹² Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” 60–70.

¹³ “Global Deforestation Rates & Statistics by Country: GFW,” Global Forest Watch, accessed May 5, 2022, <https://www.globalforestwatch.org>.

States, examining its forest economy, statements on components of the IFRC, and participation in global forest governance.

I expect to find states whose populations economically benefit from a lack of international legal oversight to be the winners of the IFRC. In order to maintain their business as usual tactics and domestic political support, policymakers from these states will continue to prevent hard law forest structures from coming to fruition, instead choosing soft law or non-legally binding policy pathways. Specifically, by utilizing past scholarship as well as official state government and UN documents, this paper demonstrates that the benefactors of the IFRC transcend the traditional North-South framework as the interests of any states profiting from deforestation would be threatened with a singular, hard law forest treaty. I conclude by discussing the implications for international forest law and domestic policymakers, emphasizing the need for further research on the IFRC.

Single Issue Environmental Regimes versus the IFRC

The IFRC is a strange outlier in the catalog of multilateral environmental agreements due to its fragmented nature. As Edith Brown Weiss notes in examining the history of international environmental law, from 1972 to the mid-1990s, this era of environmental cooperation is remembered for its flurry of negotiating and ratifying agreements focused on a single environmental issue. These treaties were typically accompanied with their own financing schemes and governance structure to implement the agreement.¹⁴ Yet, a forest treaty failed to come to fruition during this productive time. Instead, negotiations fell through and the

¹⁴ Edith Brown Weiss, "The Evolution of International Environmental Law," *Georgetown Law Faculty Publications and Other Works*, 1669 (2011), <https://scholarship.law.georgetown.edu/facpub/1669>.

international community chose to establish the non-legally binding “Forest Principles” as part of the UNCED.¹⁵

The single-issue multilateral agreements of this time, such as the Montreal Protocol¹⁶ which has effectively governed long-range transboundary air pollution, have additionally been expressed as “regimes” following the definition solidified in 1986 by Stephen D. Krasner. He defined international regimes as a collection of principles, norms, rules, and decision-making procedures focused on a specific issue area.¹⁷ From the perspective of some international law scholars, the regime classification is inapplicable to forests due to the lack of a single, coherent forest treaty.¹⁸ However, as the amount of varied international decisions on forests grew, beginning in the late 2000s, a burgeoning movement of political scientists have refuted this constraining opinion. They argue that all facets of Krasner’s definition can be found in regards to forests, even rules, albeit existing under different regimes such as the foundational UNFCCC, trade agreements like the General Agreement on Tariffs and Trade (GATT)¹⁹—today, the World Trade Organization—and treaties protecting diverse tree species like the Convention on Biological Diversity (CBD) and Convention on International Trade of Wild Flora and Fauna

¹⁵ “Forest Principles - Report of the United Nations Conference on Environment and Development,” World Rainforest Movement, accessed May 5, 2022, [https://www.wrm.org.uy/other-information/forest-principles-report-of-the-united-nations-conference-on-environment-and-development#:~:text=Forest%20Principles%20%2D%20Report%20of%20the%20United%20Nations%20Conference%20on%20Environment%20and%20Development,-14%20June%201992&text=\(a\)%20The%20subject%20of%20forests,development%20on%20a%20sustainable%20basis.](https://www.wrm.org.uy/other-information/forest-principles-report-of-the-united-nations-conference-on-environment-and-development#:~:text=Forest%20Principles%20%2D%20Report%20of%20the%20United%20Nations%20Conference%20on%20Environment%20and%20Development,-14%20June%201992&text=(a)%20The%20subject%20of%20forests,development%20on%20a%20sustainable%20basis.)

¹⁶ “About Montreal Protocol,” United Nations Environment Programme, accessed May 5, 2022, <https://www.unep.org/ozonaction/who-we-are/about-montreal-protocol>.

¹⁷ Stephen D. Krasner, “Structural Causes and Regime Consequences: Regimes as Intervening Variables,” *International Organization* 36 (2): 185–205 (1982), <http://www.jstor.org/stable/2706520>.

¹⁸ Radoslav S. Dimitrov, “Hostage to Norms: States, Institutions and Global Forest Politics,” *Global Environmental Politics* 5 (4): 1–24, (2005), <https://web-p-ebsohost-com.proxy-tu.researchport.umd.edu/ehost/pdfviewer/pdfviewer?vid=4&sid=329dec44-6585-489e-816c-0ef7fd1133a8%40redis>.

¹⁹ Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” 60–70.

(CITES). David Humphreys was the first to write of an international forest regime in 2006,²⁰ and forest scholars like Giessen have since built off his research, following the guidance of Robert Keohane and David Victor who expanded the category of “regime” to include “regime complex” which they define as, “a set of specialized regimes and other governance arrangements that are more or less loosely linked together, sometimes reinforcing each other but at other times overlapping and conflicting.”²¹

With Giessen tacking on “complex” to Humphreys’ international forest regime in 2013, the International Forest Regime Complex (IFRC) was officially created. Since its establishment in literature, the concept of the IFRC has been widely recognized by scholars like Steven Bernstein and Benjamin Cashore who stress that the framework of a single-issue treaty cannot capture the proliferation of legal, non-legal, governmental, and nongovernmental arrangements for forests.²² Anja Eikermann’s comprehensive book, *Forests in International Law*, also accepts the IFRC. She often draws from Humphreys to explain that the regime’s disconnected and multi-centric nature is a result of its development, “at different speeds and in different directions, rather than strategically and holistically along a common front.”²³

Eikermann continues that this development is due to the regime being, “rooted in the inappropriateness of regulation attempts and the resulting, and repeated, actors’ frustration.”²⁴

These regulation attempts and subsequent frustration signal global recognition of the weight of

²⁰ David Humphreys, *Logjam : Deforestation and the Crisis of Global Governance*, (London: Earthscan, 2006).

²¹ Robert O. Keohane and David G. Victor, “The Regime Complex for Climate Change,” *Perspectives on Politics* 9 (1): 7–23, (2011), <http://www.jstor.org/stable/41622723>.

²² Steven Bernstein and Benjamin Cashore, “Complex global governance and domestic politics: four pathways of influence,” *International Affairs* 1: 585-604, (2012), https://www.jstor.org/stable/pdf/23255552.pdf?refreqid=excelsior%3Ad63722edebc6560f54cd6fd0b79f5d4d&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=.

²³ Eikermann, *Forests in International Law : Is There Really a Need for an International Forest Convention?* 32.

²⁴ Eikermann, *Forests in International Law : Is There Really a Need for an International Forest Convention?* 32.

hard law. In reviewing the development of international environmental law, Duncan French and Lavanya Rajamani emphasize the reluctance of states acting in their best self-interest to engage in legally-binding decisions.²⁵ However, reluctance does not fully explain the root cause for international disagreement over how best to codify forests.

The following section analyzes the scholarship on explanatory factors for which groups are responsible for the formulation of MEAs, applying it to the development of the IFRC. Examining the power dynamics of these international environmental discussions allows for discerning what groups or actors may stand to gain from a fragmented regime complex.

Influences on Environmental Regime Formation

Scholarship attributing explanatory power to the developments of MEAs has traditionally focused since the 1970s on the deep, reinforcing cleavages that characterize the Global North and Global South.²⁶ Especially at the time of the UNCHE in 1972, the chasm between the developed and developing worlds was wide. This conflict is often operationalized by pitting the G77, a group of 134 economically developing states spanning South America, Africa, Asia, and the Pacific islands,²⁷ against the European Union (EU) and the U.S. Negotiations are typically framed as the South, wary of the North imposing its policy pronouncements, asking for technical and financial assistance from the wealthy North if they are to realistically implement environmental objectives.²⁸ The opposing positions of the North versus South—as well as the attitudes *within* the South—may be best demonstrated in Adil Najam’s analysis of the 1992-1995

²⁵ Duncan French and Lavanya Rajamani, “Climate Change and International Environmental Law: Musings on a Journey to Somewhere,” *Journal of Environmental Law* 25 (3):437–61, (2013), <https://www.jstor.org/stable/26168494>.

²⁶ Nour Dados and Raewyn Connell, “The Global South,” *Contexts* 11 (1): 12–13, (2012), <https://search.ebscohost.com/login.aspx?direct=true&db=edsjsr&AN=edsjsr.41960738&site=eds-live&scope=site>.

²⁷ “About the Group of 77 at the United Nations,” G77, accessed May 5, 2022, <https://www.g77.org/doc/>.

²⁸ Jyoti Parikh, “North-South Issues for Climate Change,” *Economic and Political Weekly* 29 (45/46): 2940–43, (1994), <http://www.jstor.org/stable/4402003>.

negotiations for the United Nations Convention to Combat Desertification (UNCCD). Najam investigates the dynamics of the developing countries during UNCCD formation, detailing the enthusiastic support from the rest of the coalition for the African members' desertification treaty. While desertification discussions were stalled, the European coalition attempted to induce the G77 to accept a forest treaty in exchange for desertification treaty. A forest convention would appeal to several tropical forested Southern states, but it appeared to South leadership as a sabotage effort on the part of the Europeans to divide the G77 and threaten their sovereignty over their forests. Thus, the G77 held in their opposition to Northern attempts for a forest convention and collectively pushed forward desertification.²⁹

While there are many socio-political and geographical differences between states in the G77 as Najam describes, scholars such as Marc Williams argue that there exists a shared economic, cultural, and political identity. This identity, emphasizing their developing economies or history of colonial interference, binds the South to take a united front on environmental issues.³⁰ Williams picks up the torch from Marian Miller and reexamines the relevance of the Third World in analyzing global environmental politics, specifically climate change. He asks, "is it possible to identify a distinctive role for the Third World in global environmental politics?"³¹ Williams maintains that the relevance of the North-South framework persists today,³² especially since member states of the G77 realize that when consolidated, they possess equivalent or greater bargaining power when compared to the North. This identity linked with the understanding of

²⁹ Adil Najam, "Dynamics of the Southern Collective: Developing Countries in Desertification Negotiations," *Global Environmental Politics* 4 (3): 128–54, (2004), doi:10.1162/1526380041748100.

³⁰ Marc Williams, "The Third World and Global Environmental Negotiations: Interests, Institutions and Ideas," *Global Environmental Politics* 5 (3): 48–69, (2005), doi:10.1162/1526380054794826.

³¹ Williams, "The Third World and Global Environmental Negotiations: Interests, Institutions and Ideas," 55.

³² Williams, "The Third World and Global Environmental Negotiations: Interests, Institutions and Ideas," 62.

the power dynamics of global politics is why a forested state like Venezuela and the island state of Singapore supported the African Group and advocated for the UNCCD.³³

Yet, when understanding which groups or actors specifically gain from a fragmented environmental regime like the IFRC, the broad North-South framework loses its utility. Increasingly, scholars have begun challenging its simplified, explanatory structure. Leah C. Stokes, Amanda Giang, and Noelle E. Selin find that there is significant differentiation in the positions of states when discussing environmental policy at the international level. They focus specifically on the divergence between India and China, two leaders of the South, in the development of a recent, single-issue multilateral environmental agreement, the 2017 Minamata Convention on Mercury.³⁴ The authors note in the first through fourth negotiating meetings in 2011, 2012, China and India stuck familiarly close in position, while other developing Southern states in Africa actually sided with the Europeans. But by the fifth, China broke and accepted mandatory control requirements. The authors attribute this breakaway in position to the increasing dissatisfaction of Chinese residents on air pollution and its mercury links, the country's higher economic development to deal with and profit from transitioning away from mercury emissions, and their highly developed domestic scientific community. The authors conclude—rather bluntly—that, “the North-South dichotomy in international environmental negotiations is breaking down.”³⁵ They find that as developing countries become more developed this results in both economic and policy position stratification within the G77,

³³ Najam, “Dynamics of the Southern Collective: Developing Countries in Desertification Negotiations,” 128.

³⁴ Leah C. Stokes, Amanda Giang, and Noelle E. Selin, “Splitting the South: China and India’s Divergence in International Environmental Negotiations,” *Global Environmental Politics* 16 (4): 12–31, (2016), doi:10.1162/GLEP_a_00378.

³⁵ Stokes, Giang, and Selin, “Splitting the South: China and India’s Divergence in International Environmental Negotiations,” 24-25.

predicting that, “where scientific knowledge is unequal, and where domestic resources and politics differ, we are more likely to see disruptions to South-South coalitions.”³⁶

When applied to the International Forest Regime Complex, it appears impossible that both Venezuela and Singapore would both stand to gain or lose from the IFRC given the topography of the two states, with 63% of Venezuela covered by natural forest³⁷ compared to just 2.9% of Singapore.³⁸ Vicky Randall lends support to this perspective, writing that, “there was always something disquieting about lumping together such a vast range of societies—covering around 75% (by the turn of the century more like 80%) of the world’s population and 70% of its landmass—for purposes of comparative political analysis.”³⁹ She notes that while the North-South framework has usefulness in explaining larger dynamics of geopolitical inequality, this structure and its generalizations lose value at the comparative level. This is due to the increased specialist knowledge like that of Stokes, Giang, and Selin on individual states.⁴⁰

Green Theory

Because this paper investigates specific states that benefit from a fragmented environmental regime, it narrows its focus from the broad North-South level to the comparative level recommended by the scholars discussed in the previous section. Furthermore, as these states are participating in the liberal international order by negotiating for and consenting to many aspects of the IFRC, it examines this topic through the lens of *green theory*, a developing

³⁶ Stokes, Giang, and Selin, “Splitting the South: China and India’s Divergence in International Environmental Negotiations,” 27.

³⁷ “Global Deforestation Rates & Statistics by Country: Venezuela,” Global Forest Watch, accessed May 5, 2022, <https://www.globalforestwatch.org>.

³⁸ “Singapore Forest Information and Data,” Mongabay, accessed May 5, 2022, <https://rainforests.mongabay.com/deforestation/2000/Singapore.htm>.

³⁹ Vicky Randall, “Using and abusing the concept of the Third World: Geopolitics and the comparative political study of development and underdevelopment,” *Third World Quarterly* 24 (1): 44, (2004), <https://search.ebscohost.com/login.aspx?direct=true&db=edsjsr&AN=edsjsr.3993776&site=eds-live&scope=site>.

⁴⁰ Randall, “Using and abusing the concept of the Third World: Geopolitics and the comparative political study of development and underdevelopment,” 52.

theoretical framework that utilizes multiple disciplines from liberal institutionalism, economics, constructivist norms, critical theory, and environmental justice.⁴¹ Through the use of green theory, I focus on how domestic factors—particularly neoliberal economic principles, the forest industry, and public opinion—affect the policy positions that state governments maintain in the international arena when developing environmental regimes.

Following this theory, it is accepted that the foreign policy of states is motivated by material self-interest and economic gains. Ole R. Holsti also finds public opinion may additionally influence their policy positions especially on a conservation versus utilization issue like forests.⁴² His authoritative book, *Public Opinion and American Foreign Policy*, investigates the intersection of psychology and foreign policy. He argues that states must have reasonable assurance from their constituents that they will be supported in decisions— or nondecisions—made on the international level. This requirement for domestic support in foreign policy can be seen in Deborah S. Davenport’s frequently cited piece examining the lack of a hard law forest treaty. She warns that, “in any effective environmental agreement there is a potential cost from halting activities banned or regulated by the agreement and those that depend on the regulated or banned activity or product.”⁴³ This cost may manifest itself both politically and economically, driving states to choose utilization over conservation. M. Athena Palaeologu in their book, *Green Politics, Green Economics*, takes a severe stance, contending the global neoliberal, capitalist system is incompatible with any forest conservation.⁴⁴ Instead, they advocate for a new form of

⁴¹ Tim Dunne, Milja Kurki, and Steve Smith, *International Relations Theories: Discipline and Diversity*, (London: Oxford University Press, 2016).

⁴² Ole R. Holsti, *Public Opinion and American Foreign Policy*, (Ann Arbor: University of Michigan Press, 2004).

⁴³ Deborah S. Davenport, “An Alternative Explanation for the Failure of the UNCED Forest Negotiations,” *Global Environmental Politics* 5 (1): 105–30, (2005), doi:10.1162/1526380053243549.

⁴⁴ M. Athena Palaeologu, *Green Politics, Green Economics*, (Montréal: Black Rose Books, 2017).

development that takes into account the ecological constraints of the biosphere.⁴⁵ Humphreys agrees, his 2003 piece in collaboration with John McMurty going so far as to describe capitalism as carcinogenic to forest conservation.⁴⁶ Although he finds there are “life-protective forces” in the international legal system governing forests, global capitalism destroys their ability to prevent deforestation.⁴⁷

Analysis

In this analysis, the United States and Malaysia are utilized as case studies. I examine each country’s forest industry in order to comprehend how their business as usual policies and domestic economy might be impacted by the IFRC. I then analyze the participation of each country in components of the IFRC and the public attitudes policymakers display towards this fragmented regime complex.

Malaysia

While there is a justifiable, but potentially imbalanced amount of international attention given to the practices of tropical forested states in South America like Brazil, Malaysia has historically—and continues to be—one of the most significant forest offenders.⁴⁸ The Malay Peninsula and island of Borneo which compose modern day Malaysia has for nearly time immemorial been almost entirely covered with tropical forest. While Malaysians endured the colonization efforts of the Portuguese, Dutch, British, and Japanese,⁴⁹ their impacts to the forest

⁴⁵ Palaeologu, *Green Politics, Green Economics*.

⁴⁶ David Humphreys, “Life Protective or Carcinogenic Challenge? Global Forests Governance under Advanced Capitalism,” *Global Environmental Politics* 3 (2): 40–55 (2003), <https://search.ebscohost.com/login.aspx?direct=true&db=edspmu&AN=edspmu.S1536009103200402&site=eds-live&scope=site>.

⁴⁷ Humphreys, “Life Protective or Carcinogenic Challenge? Global Forests Governance under Advanced Capitalism,” 52.

⁴⁸ Davenport, “An Alternative Explanation for the Failure of the UNCED Forest Negotiations,” 107.

⁴⁹ “Summary of Malaysia’s History,” Malaysia Government, accessed May 5, 2022, <https://www.malaysia.gov.my/portal/content/30120>.

cover were minimal when compared to more recent developments. The British import of an ornamental palm tree in 1870 laid the foundation for 20th century deforestation.

After the country gained independence in 1963,⁵⁰ Malaysians established a constitutional monarchy and took control of their territory, slowly beginning to alter the landscape for palm oil plantations for the next two decades.⁵¹ However, clearing forested areas for plantations became frenzied by 1985 with 1.5 million hectares of planted palm trees, escalating to 4.3 million in 2007, and still rapidly increasing to 4.917 million by 2011.⁵² According to the Oil Palm Industry Economic Journal, in 2007, the combined output of palm oil production in Malaysia and Indonesia accounted for 87% of total world production.⁵³ As such, the Malaysian economy is highly reliant on palm oil exports, but for good reason. The market for Malaysian palm oil is demanding. Palm oil can be found in nearly everything due to its versatile nature and low production cost.⁵⁴ More than half of American packaged goods like laundry detergents, lipstick, even some ice creams contain palm oil.⁵⁵

Malaysia is also economically incentivized to deforest its territory for the production of tropical timber, providing China, Taiwan, and Japan with building material and fuel.⁵⁶ Other notable importers of Malaysian plywood, sawnwood, and round logs include India, Thailand, the

⁵⁰ “Malaysia 1963-Present,” University of Central Arkansas Political Science, accessed May 5, 2022, <https://uca.edu/politicalscience/dadm-project/asiapacific-region/malaysia-1963-present/>.

⁵¹ “Malaysia Palm Oil Industry,” Palm Oil World, accessed May 5, 2022, http://www.palmoilworld.org/about_malaysian-industry.html#:~:text=OIL%20PALM%20IN%20MALAYSIA,4.3%20million%20hectares%20in%202007.

⁵² Ibid.

⁵³ “80% of Malaysian Borneo’s rainforests destroyed by logging,” Climate Home News, published July 18, 2013, <https://www.climatechangenews.com/2013/07/18/80-of-malaysian-borneos-rainforests-destroyed-by-logging/>.

⁵⁴ Paul Tullis, “How the world got hooked on palm oil,” The Guardian, published February 19, 2019, <https://www.theguardian.com/news/2019/feb/19/palm-oil-ingredient-biscuits-shampoo-environmental>.

⁵⁵ “Palm Oil,” World Wildlife Fund, accessed on May 5, 2022, <https://www.worldwildlife.org/industries/palm-oil>.

⁵⁶ “Tropical Timber: See the Forests for the Trees,” Building Green, accessed May 5, 2022, <https://www.buildinggreen.com/feature/tropical-timber-seeing-forest-trees>.

EU, and U.S.⁵⁷ According to the International Tropical Timber Organization, “in 2015, Malaysia alone exported timber and timber products valued at US\$5.46 billion, [with] Japan and USA the major export markets, valued at US\$0.98 billion and US\$0.74 billion respectively.”⁵⁸ Malaysia has responded to the propitious global market for its deforestation practices by denoting at least 72% of its forests as designated production and development forests.⁵⁹ While other natural resource sectors of developing countries are typically exploited by foreign multinational corporations, the Forest Legality Initiative finds in Malaysia, “the industry is predominantly owned by Malaysian companies and roughly 80-90% of these businesses are small and medium enterprises.”⁶⁰

Understanding the makeup of the Malaysian economy, its forest industry, and the work of Holsti mentioned in the theoretical section, when discussing forest policy on both the international and domestic levels the Malaysian government is politically obligated to consider impacts to its domestic forest industry. This includes the small and medium enterprise owners, workers at mills, loggers, and those that financially depend on the people who hold these jobs as well. Thus, we may expect to see a considerable reluctance on the part of Malaysia to legally bind itself to any form of hard law that would disrupt its economically profitable BAU policies.

In examining Malaysia’s participation in the few hard law aspects of the IFRC, this prediction is quite evident. Hard law facets of the IFRC can be found in the Convention on

⁵⁷ “Overview of timber sector of Malaysia,” Timber Trade Portal, accessed May 5, 2022, <https://www.timbertradeportal.com/en/malaysia/79/timber-sector>.

⁵⁸ “Keeping timber trade legal, Malaysia’s customs officials given a helping hand,” International Tropical Timber Organization, published May 13, 2016, https://www.itto.int/news_releases/id=4798#:~:text=In%202015%2C%20Malaysia%20alone%20exported,and%20US%240.74%20billion%20respectively.

⁵⁹ “Malaysia Forest Products,” Forest Legality Initiative, accessed May 5, 2022, <https://forestlegality.org/risk-tool/country/malaysia>.

⁶⁰ Ibid.

International Trade of Flora and Fauna (CITES),⁶¹ Convention on Biological Diversity (CBD),⁶² UN Framework Convention on Climate Change (UNFCCC),⁶³ and General Agreement on Tariffs and Trade (GATT)⁶⁴— all of which Malaysia is a party to. Yet, many of these legally binding mechanisms in attempting to conserve tropical timber are inherently weak, due in large part to the efforts of Malaysia and other tropical deforestation states, as well as limited capacity to enforce the agreements. CITES is one example of the fractured capacity of the IFRC. CITES became effective in 1975 with the altruistic goal of banning the illegal trade of endangered and threatened species, protecting not only those species living in the forests of Malaysia, but the trees as well. CITES has the potential to protect large swaths of Malaysian forest due to the state being “megadiverse,”⁶⁵ a designation given to states containing at least 20% of all known animal species. Yet, an investigative publication from Traffic, an NGO monitoring wildlife trade, found that nearly twenty years after CITES entered force, only 15 timber species were listed as illegal trade, none of which held commercial importance to large-scale international trade.⁶⁶ In fact, Malaysia, alongside Brazil, Congo, and Cameroon, successfully advocated in 1992 to prevent the listing of two commercially critical timber species.⁶⁷ The majority of IFRC hard law Malaysia has been more willing to participate in concerns the trade and sustainable development of tropical forests. Malaysia has ratified the International Tropical Timber Agreement (ITTA) and

⁶¹ Chen Hin Keong and Balu Perumal, “In Harmony With CITES?” Traffic Southeast Asia, accessed May 5, 2022, http://www.trafficj.org/publication/02_In_Harmony_with_CITES.pdf.

⁶² Pei Sin Tong, “More policies and laws, is it better for biodiversity conservation in Malaysia?” *Conservation Science and Practice* 2: 235, (2020), <https://doi.org/10.1111/csp2.235>.

⁶³ “Malaysia,” UNFCCC, accessed May 5, 2022, <https://unfccc.int/node/61107>.

⁶⁴ “Malaysia and the WTO,” World Trade Organization, accessed May 5, 2022, https://www.wto.org/english/thewto_e/countries_e/malaysia_e.htm#:~:text=Malaysia%20and%20the%20WTO&text=Malaysia%20has%20been%20a%20WTO,GATT%20since%2024%20October%201957.

⁶⁵ Tong, “More policies and laws, is it better for biodiversity conservation in Malaysia?” 235.

⁶⁶ Chen Hin Keong and Balu Perumal, “In Harmony With CITES?” Traffic Southeast Asia, accessed May 5, 2022, http://www.trafficj.org/publication/02_In_Harmony_with_CITES.pdf.

⁶⁷ Ibid.

is an active member in upholding trade measures facilitating the certification of its tropical timber, allowing its timber to be economically acceptable to major exporters.⁶⁸

Despite its reluctance to bind itself to legal language, Malaysia has been open to hard law sections of agreements that would reward conservation efforts with monetary payments from the North. Malaysia is involved with one such agreement, REDD+, a 2008 UNFCCC program that would financially reward developing countries to conserve their forests. In accordance with the requirements of REDD+, Malaysia completed Phase I of III by developing a national strategy and action plan in 2013,⁶⁹ yet Phase II (testing of strategies) and III (implementing strategies) have yet to come to fruition, and likely never will. Only one country, Brazil, in 2019, has received a results-based payment from REDD+.⁷⁰

The hard law aspects of the IFRC such as REDD+ and CITES have failed to effectively halt deforestation. So too have soft law methods. The non-legally binding Forest Principles of the UNCED enshrined the norm for states to exercise total sovereignty on how to utilize their forests, taking note of, “the likely economic and social stress when these uses are constrained or restricted.”⁷¹ After the completion of the Principles, the Malaysian Ambassador Ting, “pronounced the completed Forest Principles ‘a great victory for the developing nations,

⁶⁸ Brian F. Chase, “Tropical Forests and Trade Policy: The Legality of Unilateral Attempts to Promote Sustainable Development under the GATT,” *Third World Quarterly* 14 (4): 749–74, (1993), <http://www.jstor.org/stable/3992950>.

⁶⁹ “Redd Plus,” Malaysian Government, accessed May 5, 2022, <https://redd.ketsa.gov.my/>.

⁷⁰ Sarah Sax, “Brazil to receive first-ever results-based REDD+ payment, but concerns remain,” MongaBay, published March 1, 2019, <https://news.mongabay.com/2019/03/brazil-to-receive-first-ever-results-based-redd-payment-but-concerns-remain/>.

⁷¹ “Forest Principles - Report of the United Nations Conference on Environment and Development,” World Rainforest Movement, accessed May 5, 2022, [https://www.wrm.org.uy/other-information/forest-principles-report-of-the-united-nations-conference-on-environment-and-development#:~:text=Forest%20Principles%20%2D%20Report%20of%20the%20United%20Nations%20Conferen ce%20on%20Environment%20and%20Development,-14%20June%201992&text=\(a\)%20The%20subject%20of%20forests,development%20on%20a%20sustainable%20 basis.](https://www.wrm.org.uy/other-information/forest-principles-report-of-the-united-nations-conference-on-environment-and-development#:~:text=Forest%20Principles%20%2D%20Report%20of%20the%20United%20Nations%20Conferen ce%20on%20Environment%20and%20Development,-14%20June%201992&text=(a)%20The%20subject%20of%20forests,development%20on%20a%20sustainable%20 basis.)

especially for Malaysia.”⁷² More recent soft law developments of the IFRC include the 2021 Glasgow Declaration on Forests and Land Use,⁷³ a series of commitments to prevent deforestation without specific numbers or concrete actions. Malaysia signed on to the Declaration, noting these aspirations are in line with Malaysia’s nationally determined contribution for the Paris Agreement to maintain at least 50% forest cover.⁷⁴ This nationally devised goal is so low, BAU policies remain essentially undisturbed. Malaysia’s current forest cover hovers at 82.5%.⁷⁵ Further, by choosing soft law language Malaysia has committed without repercussion to standards in name and not practice. It must be noted that by continuing expansive deforestation practices Malaysia removes itself from the possibility of receiving financial assistance for conservation. However, shirking hard law and augmenting the other non legally binding aspects of the IFRC substantially benefits the Malaysian forest industry, in turn economically and politically benefitting the state.

The United States

The history of U.S. deforestation follows a similar trajectory when compared to Malaysia, but occurring much earlier, well before the first Malaysian palm tree was planted. In his extensive book, “The Archeology of the Logging Industry,” John G. Franzen examines the history of—and attitudes regarding—deforestation in the United States. He emphasizes that while Native Americans altered the forest landscape for increased production of acorns and clearing of brush, the arrival of Western colonizers radically expanded the harvesting and

⁷² Davenport, “An Alternative Explanation for the Failure of the UNCED Forest Negotiations,” 115.

⁷³ “Glasgow leaders’ Declaration on Forests and Land Use,” UN Climate Change Conference UK 2021, published February 11, 2021, <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>.

⁷⁴ “Malaysia to sign declaration on forest, land use at UN Convention on Climate Change, says ministry,” Malay Mail, published November 5, 2021, <https://www.malaymail.com/news/malaysia/2021/11/05/malaysia-to-sign-declaration-on-forest-land-use-at-un-convention-on-climate/2018717>.

⁷⁵ “Global Deforestation Rates & Statistics by Country: Malaysia,” Global Forest Watch, accessed May 9, 2022, <https://www.globalforestwatch.org>.

clearing of timber as they moved westward.⁷⁶ Over a century later, American timber fueled the Industrial Revolution, Civil War, and the burgeoning economy of the U.S. Franzen quotes a former Forest Service chief who wrote in the early 20th century, “lumbering is perhaps the most American of our manufacturing industries.”⁷⁷ Yet, the insatiable demand for timber, its products, and the need to clear land for agriculture, left almost the entire country logged out.⁷⁸ The last uncut forests remained in the Pacific Northwest and were nearly logged to extinction by the 1970s. The legal efforts of conservation groups to protect northern spotted owls—an endangered species whose habitat are old-growth trees at least 150 years old in the Pacific Northwest—have at times paused the BAU policies in the U.S.’s most productive forested region.⁷⁹

However, despite this history of intense utilization of American natural resources, the forest industry of the U.S. maintains a sufficiently strong presence to dissuade American foreign policy from strengthening or uniting the fragmented facets of the IFRC. The American Forest and Paper Association boasts that the forest sector is accountable for 4% of the nation’s manufacturing GDP, and the forest products industry itself is one of the ten biggest manufacturing employers.⁸⁰ Even more notable is the industry’s impact on the communities of the U.S. with more than 75% of all paper and pulp mills located in counties more than 80% rural.⁸¹ The supply chain employs nearly 200 million workers.⁸² Although the majority of the nation’s population is found in the cities along the east and west coasts, in examining the history

⁷⁶ John G. Franzen, *The Archaeology of the Logging Industry*, (Gainesville: University Press of Florida, 2020).

⁷⁷ Franzen, *The Archaeology of the Logging Industry*, 1.

⁷⁸ Franzen, *The Archaeology of the Logging Industry*, 18.

⁷⁹ William Dietrich, *The Final Forest : Big Trees, Forks, and the Pacific Northwest* (Seattle: University of Washington Press, 2010).

⁸⁰ “Our Economic Impact,” American Forest and Paper Association, accessed May 5, 2022, <https://www.afandpa.org/statistics-resources/our-economic-impact>.

⁸¹ *Ibid.*

⁸² *Ibid.*

of American wilderness, James Morton Turner finds the interests of the rural communities have had an outsized impact on the domestic environmental policy of the U.S.⁸³ Turner analyzes the concept of “wilderness” and its different manifestations in the domestic environmental policy of the U.S. since the passage of the Wilderness Act of 1964. Especially in the American West, conflict concerning the appropriate role of government—as well as which level of government—in wilderness regulation has incensed rural communities.⁸⁴ While developing the many aspects of the IFRC, the U.S. must respond to these communities, the millions of workers and their financial dependents affected by international changes in forest policy.

Fortunately for rural communities and those reliant on the continued endurance of the forest industry, the multi-centric IFRC has barely impacted the BAU deforestation policies of the U.S. While the U.S. was the first state to ratify CITES in 1973⁸⁵ and enforces the treaty through the Endangered Species Act (ESA),⁸⁶ it is obvious from the 2021 U.S. Department of Agriculture’s State of the Forest report, maintaining productive timber harvesting is a significant interest.⁸⁷ The U.S. is also a party to the UNFCCC and has only signed, but not ratified, the CBD.⁸⁸

The U.S., like Malaysia, is wary of any international attempts to regulate natural resources it deems violate its sovereignty. This has not always been the case, however, as seen in Davenport’s account. The U.S. along with the EU kickstarted the negotiations for a forest

⁸³ James Morton Turner, *The Promise of Wilderness: American Environmental Politics Since 1964*, (Seattle: University of Washington Press, 2012).

⁸⁴ Turner, *The Promise of Wilderness: American Environmental Politics Since 1964*, 225-263.

⁸⁵ “CITES: About Us,” U.S. Fish and Wildlife, accessed May 5, 2022, <https://www.fws.gov/program/cites/about-us>.

⁸⁶ “FAQS About CITES,” Humane International Society, accessed May 5, 2022, https://www.hsi.org/news-media/faqs_about_cites/.

⁸⁷ “State of the Forest,” U.S. Department of Agriculture, published May 22, 2019, <https://www.usda.gov/media/blog/2019/04/22/state-forest>.

⁸⁸ William J. Snape III, “Joining the Convention on Biological Diversity: A Legal and Scientific Overview of Why the United States Must Wake Up,” Center for Biological Diversity, accessed May 5, 2022, https://www.biologicaldiversity.org/publications/papers/SDLP_10Spring_Snape.pdf.

convention in 1992, but as negotiations broke down, the U.S. backed off from its initial position of supporting a stand alone, hard law, forest treaty. Davenport argues that while a forest treaty would have enforced high international environmental standards for timber, making U.S. timber more competitive, this aspect would have caused substantial financial harm to U.S. processors, many of which rely on importing cheap round logs.⁸⁹ In dropping its support of a forest convention, the U.S. avoided the costs to its domestic processors, as well as costs to provide technical and financial assistance to states like Malaysia. The Forest Principles, COP declarations like Glasgow, and the other non-legally binding aspects of the IFRC have allowed the U.S. to evade regulation attempts and financial obligations. It must be conceded the U.S. has contributed around one billion dollars, about \$9.30 per capita to the Green Climate Fund (GCF)⁹⁰—the pool of money embedded in the UNFCCC from which REDD+ payments are meant to be drawn— however, this contribution leaves the U.S. at 12th on the list of top donors.⁹¹ The lack of a singular financial mechanism installed in a forest treaty, instead the multi-purpose GCF and a series of vague commitments for the North to direct assistance money to the South, ensures the U.S. benefits from the IFRC.

Conclusion

There currently exists an incoherent international strategy on whether forests should be conserved or utilized, as evident in the overlapping—but at times contradictory—international forest regime complex. This incoherence is the result of decades of negotiations and road blocks, policymakers typically tacking on to the IFRC non legally binding commitments noting the importance of forest conservation, but emphasizing the rights for trade and development. The

⁸⁹ Davenport, “An Alternative Explanation for the Failure of the UNCED Forest Negotiations,” 123.

⁹⁰ “Green Climate Fund,” Green Climate Fund, accessed May 5, 2022, <https://www.greenclimate.fund/>.

⁹¹ “Resource Mobilisation,” Green Climate Fund, accessed May 5, 2022, <https://www.greenclimate.fund/about/resource-mobilisation/irm>.

continued uneven developments of the IFRC led Giessen to write of the need to understand the consequences of this fractured regime complex, “who are the winners in the currently fragmented global governance arrangements?”⁹² I have attempted to take up this proposal, contending the explanation for which actors stand to gain from the IFRC can be seen on the comparative level of international theory and is founded on the neoliberal principles of the international economic system. The inability of global capitalism to forcefully conserve forests follows the conclusions drawn by green theorists. Building off the innovative work of Humphreys, Giessen, Davenport, and Eikermann, in my analysis I demonstrate it is states like Malaysia and the U.S. who are economically and politically reliant on deforestation practices that benefit from the current arrangement of international forest policy.

While I provided an overview of some of the hard and soft law features of the IFRC, my analysis was not exhaustive of the vast regime complex. Future studies may have the opportunity to examine specific beneficiaries of—or those disadvantaged by—certain forest policies like REDD+. Future research may also take up Giessen’s additional suggestions such as which IFRC ideals are supported by fragmentation and which are adversely affected.⁹³ Understanding the ramifications of the IFRC is a significant, but necessary undertaking for scholars and changemakers recognizing the vital role forests have in ensuring a livable planet. The continued existence of humanity is reliant on the efficacy of MEAs, but it is evident the IFRC rewards those guaranteeing the opposite for sake of economic and political interests. While it seems scholars have accepted that since a forest convention has not yet successfully come to fruition, it

⁹² Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” 67.

⁹³ Giessen, “Reviewing the Main Characteristics of the International Forest Regime Complex and Partial Explanations for Its Fragmentation,” 67.

likely never will, further research on the IFRC may prove a forest treaty is the solution to effectively ending deforestation and better mitigating climate chaos.

Appendix 1

Acronyms (as they appear in order in this article)		
Acronym	Meaning	Ratification date (if applicable)
UNCHE	United Nations Conference on the Human Environment	1972
UNFCCC	United Nations Framework Convention on Climate Change	1994
MEA	Multilateral environmental agreement	
COP	Conference of Parties (decision making body of UNFCCC)	1994
IFRC	International Forest Regime Complex	
UN	United Nations	1945
BAU	Business as usual	
UNCED	United Nations Convention on the Environment and Development	1992
CBD	Convention on Biological Diversity	1993
GATT	General Agreement on Tariffs and Trade	1947
G77	Group of 134 developing states in	Formed 1964

	the United Nations	
EU	European Union	Founded 1993
UNCCD	United Nations Convention to Combat Desertification	1996
REDD+	Countries' efforts to reduce emissions from deforestation and forest degradation, and foster conservation, sustainable management of forests, and enhancement of forest carbon stocks	2008
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna	1975
ESA	Endangered Species Act	Signed into U.S. law 1973
GCF	Green Climate Fund	Established 2010

To what extent can states mitigate the impact of the security dilemma?

Amy Richardson*

Abstract: *This paper takes a theoretical approach to the question ‘to what extent can states mitigate the impact of the security dilemma,’ using the theories of structural realism and constructivism to both explain the security dilemma and its impact and suggest ways in which states can overcome it. To do so, it will systematically analyze, both theoretically and practically, the strategies of military reassurance, categorizing offensive weaponry, increasing transparency between states through communication and building economic and cultural relationships, and finally the pursuit of international agreements. It will evaluate the effectiveness of each method before concluding that the strategy of pursuing and actively supporting supranational agreements is the one with the most potential to mitigate the impact of the security dilemma.*

Keywords: *International Security, Theory, Realism, Constructivism, States, Military, Multilateral, Co-operation.*

Introduction

The security dilemma is defined as a “two-level strategic predicament in relations between states” in which the first level refers to the interpretation of the military intentions and capabilities of states; the second referring to the subsequent rational response of other states to the perceived threat.¹ This dilemma, due to the nature of global anarchy, often results in a security paradox: states strive to increase their own security but, by doing so, inadvertently or otherwise, decrease the relative security of other states.² This results in a spiral of security-insecurity with states desperate to maintain their own security.

This paper uses the theories of structural realism, encompassing both offensive and defensive realism, and constructivism to illustrate the security dilemma and discuss to what

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¹ Ken Booth and Nicholas Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics* (New York: Palgrave Macmillan, 2008), 4.

² Graham Evans and Jeffrey Newnham, *The Dictionary of World Politics* (New York: Harvester Wheatsheaf, 1992).

extent states can unilaterally or multilaterally mitigate its impacts. Structural realism argues that the security dilemma exists due to states being in a constant state of mistrust due to the nature of anarchical society and competition for security, resulting in an inherently unstable international system. In contrast, constructivism suggests that the security dilemma is socially and culturally constructed, and its effects can therefore be mitigated once all states recognize the socially constructed character of their relations and the perceived threats to their security.³

This paper will first discuss the nature of anarchical society, the structural realist and constructivist views on it and how the security dilemma originates. It will then analyze the ways in which the dilemma can be mitigated, firstly through military reassurance, then categorizing offensive and defensive weaponry, increasing transparency of state intentions through effective communication, and finally through the pursuit of international agreements and the encouragement of increased cultural exchange and understanding. It will ultimately conclude that states can mitigate the impact of the security dilemma most effectively through transparent and honest international agreements provided that these are consistently and visibly supported by actions on the ground in order to engender trust in their intent.

Realist Theory

The international political system is considered to be anarchical in the sense that there is “no overarching central authority above the individual collection of states”.⁴ Structural realism is a revised realist theory developed by Waltz which suggests that anarchy, together with states’ military capabilities, define the nature of international politics, resulting in a political arena characterized by uncertainty and mistrust.⁵ Offensive realism interprets this as states having to unilaterally assure their own security on a self-help basis by increasing their

³ Alexander Wendt, “Anarchy is what States Make of it: The Social Construction of Power Politics”, *International Organization* 46, no. 2 (1992).

⁴ Tim Dunne and Brian Schmidt, “Realism”, in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Bayliss, Steve Smith, and Patricia Owens (Oxford: Oxford University Press, 2014), 101.

⁵ Kenneth Waltz, *Theory of International Politics* (London: Addison-Wesley Publishing Company, 1979).

military capabilities relative to that of other states with the ultimate goal of hegemony.⁶ This hypothesis assumes that states will always prioritize their own national security, exploiting the weaknesses of other states in order to maintain or better their own military position. For example, Jervis uses the game theory analogy of the stag hunt to demonstrate how, despite a group of ‘states’ cooperating to catch a deer, the outcome in which all would be equally well-off, one state is willing to compromise the aim of the group and divert its efforts to single-handedly catch a rabbit, resulting in it gaining a better relative position than other states.⁷

This concept, however, relies on the assumption that an “increase in military strength leads to an increase in security” which is not always the case.⁸ Military advantage in this instance can often be self-defeating as it encourages other states to increase their own capabilities, in turn decreasing the relative security of the first state.⁹ Defensive realism, on the other hand, argues that states wish to maintain their position in international society by adopting moderate security-seeking policies in order to maximize their security without threatening their neighbors.¹⁰ However, due to the nature of anarchy, states even moderately strengthening their military capabilities undermines trust and results in security-seeking states questioning whether their intentions are purely defensive and consequently mirroring their capability build-up in order to maintain their own security. This drives an arms race with the first state further increasing its military capabilities per The Spiral Model: a sequence of positive feedback with states increasing their military capabilities to counter the growing threat they perceive from others.¹¹ Liff and Ikenberry refer to this process as a “costly and potentially disastrous action-reaction sequence” where the ultimate outcome is “growing

⁶ John Mearsheimer, “‘Back to the Future’: Instability in Europe After the Cold War”, *International Security* 15, no. 1 (1990): 12.

⁷ Robert Jervis, “Cooperation Under the Security Dilemma”, *World Politics* 30, no. 2 (1978).

⁸ Jervis, “Cooperation Under the Security Dilemma,” 182.

⁹ Ibid.

¹⁰ Waltz, *Theory of International Politics*, 126.

¹¹ Jervis, *Perception and Misperception in International Politics* (Princeton: Princeton University Press, 1976).

insecurity for all”.¹² This is largely due to states misinterpreting or distrusting the actions of others due to a lack of effective communication and appreciation of how their build-up of military capabilities contributes to an atmosphere of mutual fear and uncertainty. Mitzen argues that it is this uncertainty and mistrust between states that “generates the tragedy of world politics, where a world of security-seekers can be a world at war”.¹³

Constructivist Theory

Constructivism, in contrast, draws on critical theory, emphasizing the effect normative as well as material structures can have on state relations.¹⁴ Although constructivism shares a number of realist assumptions concerning anarchy and international politics, such as states having a fundamental wish to survive, it diverges in its view that self-help, power politics and consequently the security dilemma do not directly follow from the existence of an anarchic plain. In particular, Wendt argues that “if we find ourselves in a self-help world, this is due to process, not structure”, suggesting that it is how states respond to anarchy which results in them acting in realist terms.¹⁵

Furthermore, Wendt’s Social Theory of International Politics (1999) directly contradicts the structural realist views of Waltz by suggesting that the security dilemma is simply a ‘social structure’ ultimately driven by states’ national identities and their wish to preserve them.¹⁶ These identities shape the interests and resulting actions of states and relations between them through their understanding and perceptions of ‘self’ and ‘other’.¹⁷ Wendt therefore believes it possible to at least partially mitigate the security dilemma by

¹² Adam Liff and Gilford Ikenberry, “Racing Toward Tragedy? China’s Rise, Military Competition in the Asia Pacific, and the Security Dilemma”, *International Security* 39, no. 2 (2014): 54, 22.

¹³ Jennifer Mitzen, “Ontological Security in World Politics: State Identity and the Security Dilemma”, *European Journal of International Relations* 12, no. 3 (2006): 342.

¹⁴ Christian Reus-Smit, “Constructivism”, in *Theories of International Relations*, ed. Scott Burchill, and Andrew Linklater (London: Red Globe Press, 2013).

¹⁵ Wendt, “Anarchy is what States Make of it,” 394.

¹⁶ Michael Barnett, “Social Constructivism”, in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith, and Patricia Owens (Oxford: Oxford University Press, 2014), 166.

¹⁷ Booth and Wheeler, *The Security Dilemma*, 94.

recognizing the differing identities of states as this will, in turn, protect their interests and shape their actions.¹⁸ He also argues that it is ‘shared ideas’ and assumptions of states which cause the security dilemma, as its concepts “only become meaningful in terms of the shared understandings that actors give them”.¹⁹ Wendt is supported by Gramsci in his argument that these shared beliefs are consequently highly resistant to change as they become cemented in reality due to states believing the structures to be a “natural and inevitable” characteristic of anarchy and the protection of national identity.²⁰

The security dilemma can consequently be considered as a self-fulfilling prophecy whereby states collectively believe they have to act in their own interests to maximize their own security, creating and propelling the dilemma further. However, Wendt stresses that this can be mitigated to an extent if states “collectively change their social ideas”, thereby undermining the cause of the dilemma.²¹ For example, the Cold War is a notable case of a socially constructed conflict with Wendt arguing that it only existed due to the United States and the Soviet Union sharing a belief that they were mutual enemies as a result of their opposing ideologies.²² He argues that this “helped constitute their identities and interests...confirm(ing) to the other that they were a threat”.²³ The sudden peaceful conclusion to a conflict that “seemed like it had become set in stone” also supports Wendt’s theory.²⁴ This was an unexpected outcome for realists as it contradicted structural realist theory in that, once both sides believed and accepted that the conflict was over, it was in fact over.²⁵ That said, the current conflict in Ukraine has its roots in the threat perceived by Russia

¹⁸ Alexander Wendt, *Social Theory of International Politics* (New York: Cambridge University Press, 1999).

¹⁹ Wendt, *Social Theory of International Politics*, 135.

²⁰ Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci* (London: Lawrence and Wishart, 1971), 195.

²¹ Booth and Wheeler, *The Security Dilemma*, 94.

²² Wendt, *Social Theory of International Politics*, 187.

²³ *Ibid.*

²⁴ Wendt, *Social Theory of International Politics*, 375.

²⁵ John Baylis, “International and Global Security”, in *The Globalization of World Politics: An Introduction to International Relations*, ed. John Baylis, Steve Smith, and Patricia Owens (Oxford: Oxford University Press, 2014), 235.

from the extension of the democratic ideology to former Soviet states following the fall of the Soviet Union. This has been compounded by the expansion of NATO as a defensive alliance between states feeling threatened by Russia. As such, it is a perfect illustration of constructivism in that the expansion of a defensive alliance is perceived as aggression by Russia, if only as a means of expanding democracy, protecting national identities, and resulting soft power and political influence in Eastern Europe.

Ultimately, however, the constructivist argument on anarchy and the security dilemma is more convincing as states, without effective communication, are driving themselves into a security dilemma due to their shared misconception that a self-help policy is the most effective way to maximize their own security in an anarchical society. This paper will now apply both realist and constructivist theory to practical, real-life examples of the security dilemma and discuss how, realistically, the effects of the security dilemma can best be mitigated.

Military Reassurance

Military reassurance as a strategy to mitigate the impact of the security dilemma and avoid conflict is based on realist logic and rests on the principle of the security paradox. It is undertaken by a security-seeking state to clarify its peaceful intentions and is achieved by explicitly weakening its relative military position, differentiating it from an aggressive adversary and thereby increasing the perceived security of others. This strategy holds some weight as Montgomery argues that aggressive states with expansionist intentions would not unilaterally reduce their military capabilities as this would compromise their strength in the case of conflict. He therefore suggests that security-seeking states must do just that in order to distinguish themselves.²⁶

²⁶ Evan Montgomery, "Breaking out of the Security Dilemma: Realism, Reassurance, and the Problem of Uncertainty", *International Security* 31, no. 2 (2006): 153.

Booth and Wheeler, however, raise a key question: “how costly can (states) afford their signal to be?”²⁷ Generally, the more substantial the decrease in a security-seeking state’s military capability, the more it can rely on the other state to correctly perceive its peaceful intentions, but this makes it extremely vulnerable to potential aggressors who may take advantage of the state’s weak military position.²⁸ This presents a difficult trade-off as states are caught between taking substantial enough actions to convey a clear message and the risk of military retaliation should the other state have aggressive intentions, a weakness of this strategy that must be considered.

For example, in the case of the Cold War, the Soviet Union announced in May 1956 that 1.8 million troops would be cut from its military.²⁹ However, this was an unsuccessful case of reassurance as, despite the apparent decrease in capability, these reductions “did not function as costly (enough) signals” due to the fact that funds were instead being redirected to another part of the Soviet Union’s potentially offensive strategy: intercontinental ballistic missiles.³⁰ Instead, the successful example of military reassurance that ultimately concluded the Cold War was Gorbachev committing to destroying 1,846 missiles compared to 846 for the US, followed by a further unilateral reduction of 500,000 troops, 8,500 artillery pieces and 800 combat aircraft, a costly enough signal in terms of its overall capability to reassure the US of Gorbachev’s security-seeking intentions.³¹

Another successful example of military reassurance is that of Switzerland which remained neutral and secure through two world wars and the Cold War despite only maintaining a minimal defensive capability.³² However, another nuance to this strategy that

²⁷ Booth and Wheeler, *The Security Dilemma*, 169.

²⁸ Montgomery, “Breaking out of the Security Dilemma,” 158-59.

²⁹ Montgomery, “Breaking out of the Security Dilemma,” 174.

³⁰ Montgomery, “Breaking out of the Security Dilemma,” 177.

³¹ Montgomery, “Breaking out of the Security Dilemma,” 180.

³² Urs Loeffel, “Swiss Neutrality and Collective Security: The League of Nations and the United Nations,” (master’s dissertation, Naval Post Graduate School, Monterey, California, 2010).

must be considered is that the potential use of weaponry is extremely ambiguous and subjective and what ultimately matters is the constructivist notion of how states perceive another's actions or intent. Consequently, states taking steps to alter how they are being perceived may not be successful if others do not interpret the action in the same way. The creation of a strategy underpinned by mutual objective understanding between states, such as the categorization of weaponry, may therefore be an effective conflict-mitigation strategy, although it is not without risk.

Categorizing Weaponry

Categorizing weaponry, specifically classing them as either offensive or defensive, could theoretically result in more transparency between states and allow them to collectively increase their security without inadvertently decreasing that of others. Jervis argues that this would result in security-seeking states increasing their defensive military capabilities to the point at which they would “all enjoy a high level of security”, allowing them to “largely escape” from the impact of the security dilemma and the issues relating to defensive realism theory.³³ This idea was acknowledged by President Roosevelt in his speech to the Geneva Disarmament Conference in 1933 with him stating that “if all nations will agree wholly to eliminate from possession and use the weapons which make possible a successful attack, defenses automatically will become impregnable, and the frontiers and independence of every nation will become secure”.³⁴ Furthermore, Montgomery argues that this differentiation would also identify potentially aggressive states, as only those with malign intentions would opt for offensive weaponry when a defensive military strategy would ensure the highest level of security for all.³⁵ This would result in less potential for misinterpretation of states' military intent, creating a more transparent international society.

³³ Jervis, “Cooperation Under the Security Dilemma,” 187.

³⁴ Jervis, “Cooperation Under the Security Dilemma,” 201.

³⁵ Montgomery, “Breaking out of the Security Dilemma.”

However, the true efficacy of categorizing weaponry is widely questioned, for example by Glaser who argues that although it “has the potential to virtually eliminate the security dilemma”, weaponry cannot be classed as strictly offensive or defensive as most can be used for both purposes.³⁶ Mearsheimer and Huntington support this, suggesting that it is almost impossible to distinguish what makes weaponry either offensive or defensive and thereby implying that the categorization of weaponry would not be an effective strategy to mitigate the impact of the security dilemma.³⁷

Furthermore, the issues of subjectivity and perception of both the nature and uses of weaponry are still very much present with this strategy of conflict prevention with Jervis suggesting that subjectivity greatly influences whether weaponry is perceived as either offensive or defensive.³⁸ This also leads to the constructivist idea that a state’s identity and past experiences with weaponry and military strategy at the hands of previous adversaries shapes its perception of military strategy, perhaps thereby resulting in the state misinterpreting another’s intent in future military dealings. Jervis makes the point that it is impossible for one state to control the way in which another perceives its actions concerning the build-up of either offensive or defensive weaponry, therefore implying that greater clarity and credibility of communication and trust is also needed.³⁹

Effective Communication

As is illustrated in the cases of both military reassurance and the categorization of weaponry, clearer communication between states is crucial to ensuring the practical success of strategies aiming to mitigate the impact of the security dilemma. This is mainly due to the fact that, rather than the actions themselves, it is one state’s perception of another’s actions

³⁶ Charles Glaser, “The Security Dilemma Revisited”, *World Politics* 50, no. 1 (1997): 186.

³⁷ John Mearsheimer, “The False Promise of International Institutions”, *International Security* 12, no. 3 (1995); Huntington (1987).

³⁸ Jervis, “Cooperation Under the Security Dilemma.”

³⁹ Jervis, “Cooperation Under the Security Dilemma.”

and underlying intentions that ultimately influences its diplomatic position and military responses. Bull argues that the prevalent lack of transparency and communication, which is clearly inherent in the causes of the security dilemma, is arguably due to states' inability to comprehend how their actions are perceived and can potentially cause concern for others.⁴⁰ This idea is supported by Butterfield who argues that entering another state's mindset is an "impossible dream".⁴¹ Consequently, if they are to successfully address the security dilemma, states must do all in their power to increase honest communication between themselves in order to reduce multilateral tensions.

For example, as well as in Eastern Europe, there is currently evidence of a "security dilemma-driven spiral" unfolding between China and other powerful states, most notably the US, Australia, and Japan.⁴² China is rapidly increasing its military capabilities but there is a distinct lack of transparency regarding its intentions which has led to an atmosphere of increased tension and suspicion. However, steps have been taken to mitigate this potentially dangerous lack of communication between states in the form of The Strategic and Economic Dialogue which is held annually by policymakers in Washington D.C. and Beijing.⁴³ The main aim of this conference is to promote the candid exchange of information concerning each other's interpretation of the other's policies and rhetoric, hoping that increased transparency will lead to reduced uncertainty regarding diplomatic and military intent. However, the Dialogue has only been partially successful since its introduction in 2009 due to persistent mistrust between states, resulting, at least partially, from a lack of consistency between words and actions on the ground and both believing that they cannot guarantee the honesty of the other, especially under the terms of an open dialogue.

⁴⁰ Hedley Bull, "The Great Irresponsibles? The United States, the Soviet Union, and World Order", in *International Conflict and Conflict Management: Readings in World Politics*, ed. Robert Matthews, Arthur Rubinoff, and Janice Stein (Scarborough: Prentice-Hall, 1980).

⁴¹ Booth and Wheeler, *The Security Dilemma*, 140.

⁴² Liff and Ikenberry, "Racing Toward Tragedy?," 88.

⁴³ Liff and Ikenberry, "Racing Toward Tragedy?," 89.

Instead, more successful examples of open and honest communication mitigating the effects of the security dilemma are those which involve the signing of a bilateral or supranational agreement. For example, the Non-Proliferation Treaty of Nuclear Weapons (1968) was largely successful in contributing to bringing about the end of the Cold War and since ensuring that nuclear weapons have not been used offensively since World War II, if not its wider objective of broader nuclear disarmament. Since then, arguably the most successful international agreement has been the Kyoto Protocol (1989) which, although not inherently security related, involves states prioritizing the agreement and steps to combat climate change, when an individualist self-help mindset would encourage otherwise. Open communication between states which is both credible and consistent with actions in other areas is therefore integral to mitigating the impact of the security dilemma as it would break down the key realist assumption of uncertainty in an anarchical system and consequently states would see the benefit of the creation of an international society in which collective security thrives.

International Agreements

The method for mitigating the security dilemma which has the potential to be the most successful would be wide-ranging supranational agreements underpinned by increased transparency and honest communication. This could be achieved through the transformation of current international relationships as well as realist norms and principles, ultimately achieving the transcendence of competitive power politics and the objective of true collective security in which states are primarily concerned with absolute rather than relative security gains.⁴⁴ The constructivist view is therefore most applicable to this strategy as it involves states' realizing, through increased transparency, that elements of realist theory such as a self-

⁴⁴ Wendt, "Anarchy is what States Make of it," 400.

help policy are both ineffective and even counterproductive with their security being strongest when cooperating fully with one another.

Attempts have been made at creating an international security community through the League of Nations and the United Nations which both aimed to deter war and competitive power politics mainly through multilateral alliances. The League of Nations was established in 1920 in the wake of WW1 to prevent another world war with the philosophy that “an attack on one (state) would be an attack on all”, hoping that this would deter states from engaging in conflict if it meant overwhelming retaliation from other League states. The idealist view was that “the spiral of the security paradox would be replaced by a virtuous cycle of disarmament”.⁴⁵ However, as illustrated by the reality of WW2, this was not achieved, showing that this approach is not effective against aggressive and expansionist states.

Moreover, The United Nations, established in 1945 and grown from the seed of collective security that had been sown by the League of Nations, has been largely successful in preventing international conflict and the escalation of the security dilemma and has been accredited with the promotion of an unprecedented ‘long peace’, also described as the Pax Americana. This period from 1945 to the present day without widespread war illustrates that with honest and transparent international agreements, often made through effective international organizations, achieving long standing peaceful relations is possible and also mitigates the effects of the security dilemma.

The European Union (EU), created by The Treaty of Rome signed in 1957, is another strong example of an international organization that has helped mitigate the effects of the security dilemma since its creation. Among many successes, it created one of the world’s largest single markets which brings into play Thomas Friedman’s Golden Arches Theory of

⁴⁵ Booth and Wheeler, *The Security Dilemma*, 175.

Conflict Prevention (1996) and his revised Dell Theory of Conflict Prevention (2005) which both suggest that no two countries part of the same major global supply chain would engage in war due to the adverse economic impact it would have, an idea supported by Russet.⁴⁶

These theories can be applied particularly well to the EU which, despite comprising states that have been historically former enemies, such as France and Germany, their investment in the success of their economies and the single market has decreased the likelihood of them entering war due to the economic stakes simply being too high.

Therefore, the creation of a stable international society through supranational agreements that aim to unite states politically, economically, and socially is a realistic goal and remains the strategy with the most potential to reduce the impact of the security dilemma provided that these are consistently and visibly supported by actions on the ground in order to engender trust in their intent. This need is partly due to states believing that they can never completely trust one another for a number of reasons including the unpredictability of states' domestic changes that can radically change their identity, political landscape, interests and therefore actions.⁴⁷ However, the creation of a stable international society through supranational agreements that aim to unite states politically, economically, and socially is still a realistic goal and remains the strategy with the most potential to reduce the impact of the security dilemma.

Neoliberal Institutionalism

The idea that the most effective way to mitigate the effects of the security dilemma is through international agreements and, more specifically, those crafted with the oversight of international organizations such as the UN and EU is also consistent with neoliberal institutionalist theory. This theory agrees with the realist view that the international system is

⁴⁶ Thomas Friedman, "Foreign Affairs Big Mac I," *The New York Times*, Dec 8, 1996; Bruce Russet, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton: Princeton University Press, 1993).

⁴⁷ Booth and Wheeler, *The Security Dilemma*, 95.

anarchic and that states are rational unitary actors but argues, unlike realism, that cooperation both between states and internationally is nonetheless possible through international institutions. Neoliberal institutionalism also suggests that these supranational bodies are best used as mediators to find solutions to interstate problems and also that they can help to lower the risks of states acting independently in a state of anarchy where self-help politics is the traditional approach. For example, Grieco and Ikenberry state that the theory “sees institutions as agreements or contracts between actors that reduce uncertainty, lower transaction costs, and solve collective-action problems”, such as the security dilemma.⁴⁸

Conclusion

States can most effectively mitigate the impact of the security dilemma through the establishment and active support of transparent, honest, and credible international agreements. These promote political, economic, and social integration as well as open and effective communication concerning the military and diplomatic intentions of states, reducing the need for structural realist behaviors such as distrustful power politics and security self-help policies. Even realists such as Morgenthau acknowledge the effectiveness of the creation of a security community through supranational agreements, stating that “the logic of collective security is flawless” but suggests that it can never practically work which, indeed, holds true as long as states base their actions on realist theory and principles thereby being perceived as inconsistent with the spirit of these agreements and undermining trust.⁴⁹

However, if states come to understand the constructivist view that the security paradox and competitive power politics are a socially constructed phenomenon, then international agreements could indeed be the key needed to unlock the door to an

⁴⁸ Joseph M. Grieco and G. John Ikenberry, *State Power and World Markets: The International Political Economy* (New York: W.W. Norton & Company, 2003), 116.

⁴⁹ Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: McGraw-Hill Education, 2005), 435.

international society where collective security is the uppermost concern of all states.

Therefore, the strategy of pursuing supranational agreements is the one with the most potential to mitigate and even eliminate the impact of the security dilemma and thus should be the ultimate objective of all security-seeking states.